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**From:** Staszak, Cynthia  
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**Subject:** Fwd: GSENM Historic Proclamation Information  
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WCPD-1996-09-23-Pg1785-2.pdf  
WCPD-1996-09-23-Pg1788.pdf  
11-6-98 Memo.pdf  
2004-04-19 Opinion & Order.pdf  
8-15-96 Memo AttachmentsA-FComplete.pdf

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All:

**I have been asked by many to provide historic information on the GSENM proclamation and also maps depicting GSENM resources.**

**I have attached the publicly available information we have available on the GSENM Proclamation below.**

**I am working to obtain the resource maps that have been requested, and will forward them as soon as they are available.**

1. **WCPD-1996-09-23-PG1785-2:** President Clinton's remarks at the designation of GSENM
2. **WCPD-1996-09-23-Pg 1788:** GSENM Proclamation from the FRN
3. **8-15-96 Memo Secretary Babbit to President** on establishment of GSENM and exhibits A-F including B: List of Historic and Scientific Objects in the Area and C: Bibliography of Principal Sources of Information. This packet includes an earlier, draft version of the Proclamation and draft remarks for the designation.
4. **11-6-98 Memo: Memo from Secretary of Interior to BLM Director** on Management of GSENM including bibliography of GSENM resources
5. **2004-04-19 Opinion & Order US District Court-Utah Central Division,** affirming establishment of GSENM.

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THE SECRETARY OF THE INTERIOR  
WASHINGTON

NOV 8 1996

Memorandum

To: Director, Bureau of Land Management

From: Secretary *Re: BLM*

Subject: Management of the Grand Staircase - Escalante National Monument

On September 18, 1996, the President created by Proclamation the Grand Staircase - Escalante National Monument in Utah. This is the first National Monument in history for which management responsibility has been given to the Bureau of Land Management (BLM), offering BLM a highly visible opportunity to demonstrate its stewardship. The purposes of this memorandum are: (a) to direct that you issue interim guidance for managing the Monument during the next three years; and (b) to direct you to prepare the management plan for the Monument for my adoption by the end of that period.

The President's Proclamation directs management of the Monument pursuant to applicable legal authorities, including the Federal Land Policy and Management Act (FLPMA) and the National Environmental Policy Act (NEPA). Further, I want to make certain that we work very closely with the State of Utah as our efforts proceed. While stewardship of the Grand Staircase - Escalante National Monument is the responsibility of this Department, I believe an effective working relationship with the State is crucial to our development of an effective management plan. The State possesses expertise in numerous management disciplines, and its capabilities will complement our own.

**INTERIM MANAGEMENT DIRECTION**

The public should have more explicit information concerning the management of specific activities during the three year interim period. Accordingly, I ask that you issue appropriate guidance to field managers as soon as possible. Field managers should be fully conversant with that guidance and initiate efforts to provide information to the public as necessary.

The President's Proclamation cited the Monument's unique geological, paleontological, archeological, biological and historical values. It also stated that valid existing rights (VER) must be recognized, withdrew Federal lands and interests in lands within the Monument from entry, location, selection, sale, leasing, or other disposition (except exchange) under the public land laws including, among others, the mineral leasing and mining laws, and stated that existing grazing uses shall continue to be governed by applicable laws and regulations other than the Proclamation. As a general principle,

actions that are not precluded by the Proclamation and which do not conflict with the established purposes of the Monument may continue.

#### DEVELOPING THE MONUMENT MANAGEMENT PLAN

The President's Proclamation directed me to prepare, within three years, a management plan for the Monument and any necessary regulations. You should take the lead in preparing the plan and proposing it for my adoption. In preparing the plan, you must make certain that it reflects the purposes for which the Monument was established.

In order to assure an effective planning effort, you should develop a detailed inventory of significant resources within the Monument's boundaries which have been identified thus far through available sources. The inventory should have a usable format and be easy to update as new information becomes available. Attached is a bibliography of monument resources that was completed in connection with the Proclamation. Although there is considerable understanding of the Monument's attributes, much more work is needed to identify, assess, interpret and protect them in an integrated manner.

In addition to the State, local and Tribal governments, the private sector, the public and other Federal agencies have interests and insights as to managing the Monument's resources and integrating the Monument with local community development. I expect you to be energetic and innovative in working with these entities. Many models for involving our neighbors have been developed and implemented. Useful lessons can be drawn from these models throughout the West by both government and non-government entities.

The management of the Grand Staircase - Escalante National Monument is one of the Department's most visible and important priorities. Your work will have a profound impact on the public's assessment of the Bureau and of Federal land management in general. I know that the challenges of managing the Monument and preparing its management plan are significant and encompass a very broad variety of scientific, historical, and economic considerations. The Bureau will have my full support and encouragement as your efforts proceed.

Attachment

## Bibliography of Sources Concerning Objects of Interest in the Grand Staircase - Escalante National Monument

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Grand Staircase - Escalante National Monument  
List of Historic and Scientific Objects of Interest

**Objects of Geologic Interest**

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Description: Perennial streams enter entrenched canyons in white Navajo and deep-red Windgate Sandstone. Deer Creek, Steep Creek, and The Gulch have perennial flows of clear cold water. The Gulch leads up into the spectacular Circle Cliffs where remarkable specimens of petrified wood (60 ft. logs) exist in the Morrison and Chinle formations.

Location: Escalante - Steep Creek WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: White Canyon cuts through the Kaibab Limestone to the Coconino Sandstone, the oldest stratum in the Upper Escalante drainage.

Location: Escalante - Studhorse Peaks unit

Source: Davidson, E.S., Geology of the Circle Cliffs Area, Garfield and Kane Counties, Utah, 1967. p. 10

Description: Big Spencer Flat Road and the V Road is site of "thunderball" iron concretions known as Moqui marbles. These oddities weather out of the Navaho sandstone and are a popular recreation feature.

Location: North Escalante Canyons WSA

Source: Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah. p. 16, and Utah BLM Statewide Final Wilderness EIS, 1990

Description: The Waterpocket Fold tops out at Deer Point (7,243 feet). Most of the Waterpocket Fold is in the Capitol Reef National Park where it is a major landmark.

Location: Escalante - Colt Mesa unit

Source: Utah Wilderness Coalition. Wilderness at the Edge. p. 189, and Davidson, E.S., Geology of the Circle Cliffs Area, Garfield and Kane Counties, Utah, 1967. p. 61

Description: The inner gorges of the upper Moody Canyons cut into the relatively harder Kaibab Limestone and Coconino Sandstone (oldest exposed layer in this region).

Location: Escalante - Colt Mesa unit

Source: Utah Wilderness Coalition. Wilderness at the Edge. p. 189

Description: Dry Valley Creek Canyon. A waterfall blocks the entrance to Dry Valley Creek Canyon and consequently, the canyon remains in its natural condition. A perennial stream cuts through alluvial benches. It is relict and probably possesses important scientific values.

Location: Mud Springs Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: The East Kaibab Monocline or the Cockscomb is unique as a Colorado

Plateau structure. Its alignment with the Paunsaugant, Seevier, and Hurricane faults suggest that it too could be a fault at depth. It extends from the Colorado River north to Canaan Peak and is a major landmark.

Location: Kaiparowits Plateau - The Cockscomb WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: The Blues - a Cretaceous shale badlands, richly colored and contrasting with adjacent pink sandstone cliffs that forms a significant part of the vista for visitors to Bryce Canyon National Park. The Kaiparowits formation is well exposed here represents an accumulation of exceedingly rapid proportions and an immature sedimentary region which is not well displayed in any other formation in the Colorado Plateau.

Location: The Blues WSA (near Bryce Canyon)

Source: Welch, S.L., Rigby, J.K., Hamblin, W.K., A Survey of Natural Landmark Areas of the North Portion of the Colorado Plateau, 1980. p. 248

Description: Fiftymile Mountain is a complex of deep canyons, upwarps, monoclines, hogbacks and a spectacular 42-mile long Straight Cliffs wall, topping a thousand-foot-high cliffline of the Summerville, Morrison and Dakota formations. This complex marks the edge of the Kaiparowits Plateau.

Location: Kaiparowits Plateau - Fiftymile Mountain WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Ancient coal fires of Right Hand Collet Canyon have left surface remains in the form of clinkers and deep red ash. These remains dominate the visual character of the drainage.

Location: Carcass Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Arch. Span of 40 feet located in Calf Canyon, and is visible from the Alvey Wash road.

Location: Carcass Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Burning Hills - naturally occurring underground coal fires have turned steep and rugged exposed hilltops a distinctive red.

Location: Burning Hills WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Devils Garden - oddly shaped arches (including Metate Arch) and rock formations in the hills at the foot of the cliffs marking the Kaiparowits Plateau.

Location: Carcass Canyon WSA (east of WSA)

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: This area possesses exceptional scenic values and contains a

portion of the Cockscomb, a prominent southern Utah geologic feature. the Cockscomb forms 2 parallel knife-edged ridges with a bisection V-shaped trough. Flatirons, small monoliths, and other colorful formations are present on the west ridge. These major features of south central Utah cover over 4,000 acres.

Location: Mud Spring WSA.

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: An interesting fold in Henrieville Creek along the northwest boundary of the WSA is of geologic interest and a sightseeing attraction.

Location: Mud Spring WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Window Wind Arch above the middle trail has scenic value because of its location on the very edge of the Straight Cliffs. The Straight Cliffs escarpment is major landmark in south-central Utah and an important scenic feature within view from the Hole-in-the-Rock road. Woolsey Arch is located in Rock Creek Basin, an area of colorful Navaho sandstone and high cliffs.

Location: Fifty Mile Mountain WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Unique because it consists of 2 prominent southern Utah physiographic systems. It includes the eastern most extension of the White Cliffs component of the famous ascending staircase, cliff and terrace physiography, the Vermillion, White, and Pink Cliffs; and east of the Paria river, the dividing point is the landscape representative of the Glen Canyon physiography of sculptured, dissected, and exposed Navaho sandstone. The area where these merge between Deer Range and Rock Springs Bench is a highly scenic complex and colorful landscape.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: The Vermillion Cliffs with its associated Wingate Sandstone cliffs, colorful Chinle badlands, and canyons with there multiple colors and the intensity of coloration contribute to high scenic quality. Included in this landscape are Hackberry Canyon, Paria River Valley, Hogeye Canyon, the Pilot Ridge-Starlight Canyon-Kirbys Point area and Eight Mile Pass.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: An area of high scenic value include the breaks of the Rush Beds and the west wall of Cottonwood Canyon, upper tributaries to Hackberry Canyon, Death Valley Draw, and the exceptional Navajo Sandstone domes and fin formations on either side of lower Hackberry Canyon.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Four ONA's designated to preserve "unique scenic values and natural wonders". North Escalante Canyon (5,800 acres), The Gulch (3,430), Escalante Canyons (480 acres), Phipps-Death Hollow (12 more outside WSA)

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Location: North Escalante Canyons WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Location: North Escalante Canyons/The Gulch ISA

Description: This area is geologically complex and has some of the most outstanding canyon scenery in the country. Harris Wash a canyon of the classic Escalante River drainage canyon form with many entrenched meanders in the Navajo Sandstone.

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: A unique feature of the Burning Hills is the red coloration in the landscape is the result of geological changes attributed to the naturally occurring coal fires. The coloration creates a highly scenic area.

Location: Burning Hills WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The White Cliffs are high white or yellow cliffs of Navajo Sandstone. Vary in height from 600' at Deer Springs Point bench to 1,200' at Deer Springs Point and the Sheep Creek Bull Valley Gorge-Paria River confluence. The cliffs consistently reach a 1000' in height and the cliffline is interrupted by 8 canyons.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: This area contains twenty-four undeveloped springs. Ten are located in upper Paria, 6 in hackberry, 5 on the eastern border of Cottonwood Creek, and 3 on west boundary. There are also 6 developed springs. These are significant features in this arid environment.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Phipps-Death Hollow ONA (12/23/70) contains 34,288 acres managed to preserve scenic values and natural wonders.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Arches. Peek-a-boo Rock, Wahweap Window, Jacob Hamblin Arch, Starlight Arch, Cobra Arch, Sam Pollack Arch, Woolsey Arch, and several more unnamed arches and natural bridges.

Location: Kaiparowits Plateau and adjacent areas

Source: Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah.

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Description: Sand-calcite crystals from the Morrison Formation. These crystals are the first reported occurrence from rocks of Jurassic age and only reported sand crystals in southern Utah.

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Location: Kaiparowits Plateau

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Source: Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah. p. 18

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Description: Circle Cliffs in the northeast portion of WSA features intensively colored red, orange, and purple Chinle mounds and ledges at the base of Wingate Sandstone cliffs. Vertically jointed cliffs banded with red, yellow, and white colors and bench tops and upper cliff faces possess innumerable orange-red Kayenta Sandstone knobs. One of most spectacular and distinctive landscapes on the Colorado Plateau.

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Location: Steep Creek WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Area includes Escalante Natural Bridge (130' high, 100' span) and 4 other natural bridges and arches.

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Location: Phipps-Death Hollow WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Gulch is a major geologic feature. Deeply entrenched very sheer red straight line Wingate Sandstone walls. High ridges and slickrock peaks. Ridges drop fairly abruptly to canyons below.

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Location: Steep Creek WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Lamanite Natural Bridge. Actually a large arch with good symmetry and form. Located in an impressive setting in a deep side canyon to The Gulch.

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Location: Steep Creek WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Petrified wood. Upper Gulch-Circle Cliffs contains large, unbroken logs of petrified wood (NEA 2,213 acres). Maximum log length 36'. The scenic values of these logs is enhanced by their colorful surroundings.

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Location: Steep Creek WSA

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Source: Utah Statewide Wilderness EIS, 1990 W FEIS 3B 19, and Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah. p.13.

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Description: Outstanding scenic values include the upper portion of Paradise Canyon where sandstone in the Wahweap Formation outcrops as colorful walls and cliffs. Ponderosa pine growing in the sandstone enhance the scenic values. Two sandstone monoliths or fins above Alvey Wash are prominent geological features.

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Location: Death Ridge WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The area contains a unique canyon and bench system. The entire ISA contains outstanding scenery. Examples include the area east of Horse Canyon. Four canyons have isolated 10 benches of varying size. Many bench tops have

intricate pattern of innumerable orange-red Kayenta Sandstone knobs. Wolverine Canyon and Death Hollow have extremely narrow and convoluted sections. Another feature, Harris Wash a canyon of the classic Escalante River drainage canyon form with many entrenched meanders in the Navajo Sandstone.

Location: North Escalante Canyons/The Gulch ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Mollie's Nipple, an erosional remnant is a major landmark in the area.

Location: Kaiparowits Plateau.

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Natural Arches. Sam Pollock Arch, located at the head of a tributary drainage of Hackberry Canyon, and Starlight Arch located west of No Man's Mesa.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Area of diverse geology represented by spectacular deep canyons. The Escalante River canyon is 1100 feet deep. The canyon walls are rough and broken and the canyon is narrow and it meanders. Pure white to golden sandstone has been eroded into expanses of slickrock. Death Hollow Canyon is 1,000' feet deep and meandering. The extensive upper basin through which Mamie Creek flows is a extremely dissected area of canyons, tanks, other formations. Red layers of Carmel Formation cap high mesas and ledges of the exposed Kayenta Formation.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Petrified wood deposits just west of the Old Paria Townsite and in Hackberry Canyon. Both are in the Chinle formation.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: All the topographic features of the Kaiparowits region have been developed in sedimentary rocks. The Kaiparowits Plateau is a slightly tilted sedimentary mass that extends as a narrow mesa from the High Plateaus to Glen Canyon 70 miles distant. Its culminating point, Canaan Peak is an outlier of the Table Cliff Plateau; the Paria Plateau is a huge block of sandstone, the Waterpocket monocline is a ridge of folded rock intricately dissected and flanked by hogbacks, and the broken "comb" in the vicinity of Paria is the edge of sandstone beds upturned in the East Kaibab fold. The Circle Cliffs are inward-facing walls of sandstone that rim an oval depression. These prominent features are but large-scale examples of the mesas, buttes, and ridges that characterize the landscape of southern Utah.

Location: Kaparowits Plateau region

Source: Gregory, H.E. and Moore, R. C. The Kaiparowits Region; A Geographic and Geologic Reconnaissance of Part of Utah and Arizona. 1931.

Description: Paria River from Colorado River to its source, identified by NPS as

possessing values that may be of national significance, potential to be included in the National Wild and Scenic River System.

Location: Paria-hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Escalante River from Lake Powell to its source , a section of 14.9 miles, was designated as for study as a candidate Wild and Scenic River by the Secretary of the Interior on 10/11/70.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Lower Calf Creek Falls. Calf Creek Canyon is characterized by red alcoved walls, 2 waterfalls, and extensive expanses of white slickrock. Lower Calf Creek Falls drops 126' and Upper Calf Creek's drop is 86'. High educational values associated with interpretation of these areas.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: The area contains 40 miles of perennial streams, a significant feature in this arid environment.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

#### Objects of Paleontologic Interest, August, 1996

Description: Fossil assemblage photographs. Typical mollusks from Tropic Shale, south of Escalante include straight cone edaphalopods, ammonites, gastropods, and pelecypods and Cretaceous sharks teeth from the Straight Cliffs Formation.

Location: Kaiparowits Plateau

Source: Sargent., K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah. pp 14-15

Description: Gray Cliffs/Pink Cliffs - This sequence of rocks may contain one of the best and most continuous records of Late Cretaceous terrestrial life in the world. Formation has yielded early mammals, lizards, dinosaurs, crocodilians, turtles, mollusks.

Location: Kaiparowits - The Blues WSA

Source: BLM, Escalante/Kanab RMP - Grand Staircase Ecosystem Analysis, 1994

Description: Fossils deemed by the Museum of Northern Arizona in a 1976 study to be of major importance. They are found in the Cretaceous Wahweap Formation outcrops include abundant fragments of turtle shells and dinosaurs, as well as several crocodile teeth. There is an excellent chance that mammal fossils will be found

Location: Kaiparowits Plateau - Nipple Bench unit

Source: BLM, Kaiparowits power project environmental impact statement, 1976

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Description: The Straight Cliffs Formation is limited to the southern Utah area. It contains primitive mammals including one of the potentially oldest marsupial fossils identified.

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Location: Kaiparowits Plateau

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Source: BLM, Warm Springs Project Preliminary Draft EIS, 1996

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Description: Invertebrate and vertebrate specimens found Straight Cliffs, Tropic Shale, and Dakota Formations. 13 collection sites recorded (gastropods, cephalopods in upper Cretaceous Formations, vertebrate in Dakota and Tropic Shales). Likely to occur along entire length of the Straight Cliffs

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Location: Carcass Canyon WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Kaiparowits is of interest in understanding the evolution of mammals and other terrestrial vertebrates. Very little is known of Cretaceous mammals prior to the latest part of that period. The mid-Cretaceous mammalian twilight zone is spanned by the fossiliferous, terrestrial rock units of the Kaiparowits region. They contain unique evidence bearing on the early diversification of important mammalian groups of the Late Cretaceous. The thickness, continuity, and broad temporal distribution of the Kaiparowits sequence provides the opportunity to document changes in terrestrial vertebrate assemblages over a wide span of Late Cretaceous time.

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Location: Kaiparowits Plateau

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Source: Eaton, Jeffrey G., and Cifelli, Richard L. Preliminary report on Late Cretaceous mammals of the Kaiparowits Plateau, southern Utah, 1988

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Description: Extremely significant fossils including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals have been recovered from the Dakota formation, Tropic shale, Straight Cliffs Formation (Tibbet Canyon, Smoky Hollow, and John Henry members), and Wahweap formation in the area around the proposed Andelex mine and some localities lie directly along the proposed haul routes. This sequence of rocks (including the overlying Wahweap and Kaiparowits formations) contain perhaps the best and most continuous record of Late Cretaceous terrestrial life in the world

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Location: Kaiparowits Plateau

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Source: Eaton, Jeffrey G., Personal correspondence to Mr. Mike Noel, BLM, 1991

**Objects of Prehistoric Interest**

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Description: Sixty sites have been recorded and the potential for additional sites is exceptionally high. Sites discovered to date include lithic scatters, 13 rockshelters (some w/storage cists and rock art), 1 pithouse village site and 1 structure (probably of Anasazi origin). Some of the rock art and rock shelter and 1 campsite are potentially eligible for nomination to the NRHP.

Location: North Escalante Canyons/The Gulch ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Friendship Cove Pictograph site nominated to NRHP. This site consists of a set of large Fremont style pictographs painted on the face of a large sandstone cliff.

Location: Phipps-Death Hollow ISA, eastern part

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Forty-four sites of diverse types have been recorded in the area. 14 rock art (petroglyph and pictographs sites (2 from Fremont culture), 1 Pithouse village site, lithic scatters of Paiute and Anasazi, and 6 rockshelters have been discovered. Potential for more sites is good.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Situated at the intersection of three major prehistoric cultures the Plateau has long been a magnet for archeological study. It has been recognized that the Kaiparowits Plateau might contain important clues that would aid in answering questions in the archeology of the Southwest.

Location: Kaiparowits Plateau

Source: Utah Wilderness Coalition. Wilderness at the Edge. p. 147 and Lister, Florence C., Kaiparowits Plateau and Glen Canyon prehistory, an interpretation based on ceramics, 1964

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Description: Fiftymile Mountain Archeological District contains more than 400 sites including Anasazi habitations and granaries. Important scientific value. Some of the most significant cultural resources in the Four Corners area. Archaeological District (47,325 acre) has been nominated to NRHP. Majority of sites are masonry structures (of 1-10 rooms). Most are of Virgin Anasazi origin but include sites attributed to Fremont, Hopi, and Paiute. Navaho are also expected of occupying the area. 4,000 total sites may be located in WSA.

Location: Fiftymile Mountain WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Sixty-five sites have been recorded. They include lithic and ceramic scatters, masonry structures (granaries and storage cists), one rock shelter. Masonry and some lithic/ceramic associated with Virgin Anasazi/Virgin-Kayenta Anasazi. Two are Pueblo II-III time period. Some sites are associated with Paiute-age or Archaic-age peoples. At least 8 sites in this area are eligible for nomination to the NRHP.

Location: Wahweap WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: High concentration of prehistoric sites. Although surveys are incomplete for the Warm Creek unit more than 600 sites have been found ranging from lithic scatters and campsites to rockshelters.

Location: Kaiparowits Plateau/Warm Creek unit

Source: BLM, Kaiparowits power project environmental impact statement, 1976

Description: Part of a larger area extensively used by the Kayenta Anasazi and later the Southern Paiute Indians. Site densities expected to be moderate to high.

Location: Kaiparowits Plateau/Squaw Canyon unit

Source: ERT, 1980, Kaiparowits coal development and transportation study, final report

Description: Prehistoric site densities are high on top of Nipple Bench. Sites represent Fremont, Virgin Anasazi and Kayenta Anasazi. The sites represent complex associations of features and artifacts and indicate permanent or extensive camps in rock shelters.

Location: Kaiparowits Plateau/Nipple Bench unit

Source: Fish, Paul, Preliminary Report Kaiparowits Power Project

Description: Six sites have been recorded. One is Pueblo II Anasazi occupation site, with others unidentified.

Location: Burning Hills WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: One hundred-five sites (primarily lithic scatters) have been recorded covering a broad period of occupation. Ten rockshelters w/storage cists or storage caches, 1 w/masonry room, 3 w/granaries associated with Anasazi or Fremont have been discovered. Additional sites include petroglyph and pictograph panels associated with shelter sites and 1 burial site.

Location: Carcass Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: One hundred thirty-four documented sites represent virtually all known prehistoric cultures in southern UT (Archaic, Fremont, Anasazi, Southern Paiute). 8,000 years of prehistory are represented. The sites primarily represent temporary habitation by hunter gatherers..

Location: Death Ridge WSA

Source: BLM Utah Statewide Wilderness EIS, 1990, and Hauck, F.R., Cultural Resource Evaluation of South-Central Utah, 1977-1978

Description: The area contains 41 recorded sites and based on surveys may contain exceptionally high densities of sites.. Known sites include rockshelters, pit houses, lithic scatters, and masonry structures. Pictograph panels are in Deer Creek Canyon and petroglyphs are found in Snake Creek Canyon.

A study located and estimated 612 sites per 23,000 acres, 564 potentially eligible for nomination to the NRHP (southern border of WSA). Another inventory estimated 360 sites per 23,000 acres at the northern border of the WSA.

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Location: Paria-Hackberry WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Kayenta Pueblo culture inhabiting the Straight Cliff and portions of the Escalante River drainage between A.D. 1000 and 1200 were likely in contact with the Fremont culture. Although both inhabited the area at the same time and competed for limited agricultural lands there is no evidence of open conflict during this time. Some modifications of pottery making techniques between the two cultures indicates that there was trade and exchange between them. Little is known positively about the Kayenta culture, and additional research in this area could provide valuable insight on interactions between the two cultures.

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Location: Straingt Cliffs WSA

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Source: Lister, Kaiparowits Plateau and Glen Canyon Prehistory: An interpretation based on ceramics. 1964.

## Objects of Historic Interest

Description: Dance Hall Rock/Hole-in-the-Rock Trail. While the Hole-in-the-Rock Trail was under construction in 1879, Mormon Pioneers camped at Fortymile Spring and held meetings and dances in the shelter of Dance Hall Rock. Designated historical site by DOI 1970.

Location: Two miles west of the Glen Canyon NRA on the Hole in the Rock Trail

Source: Utah Wilderness Coalition. Wilderness at the Edge. - p. 182

Description: Historic route constructed in 1879 to provide access from Escalante to areas on the opposite side of the San Juan River in Southeast Utah.

Location: Historic trail running from Escalante to Hole in the Rock in Glen Canyon NRA

Source: Lambrechtse, Rudi. Hiking the Escalante, 1985

Description: Boulder Mail Trail. Used to carry mail between Escalante and Boulder beginning in 1902. Much of trail still visible where necessary to construct through slickrock. Nominated to NRHP. Popular backpacking route.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Boynton Road. Constructed 1909 as short cut between Escalante and Salt Gulch. Abandoned after 2 years because of flooding. Visible over approx 9 of its 10 miles.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Escalante-Boulder telephone line: First Boulder-Escalante telephone line constructed by Forest Service in 1911 providing first phone service to area. Still visible between Antone Flat and Sand Creek.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Washington Phipps grave. A historical grave site of an early pioneer shot in 1878 in a dispute with his partner John Boynton. Provided the namesake for the area.

Location: Phipps Death Hollow

Source: Lambrechtse, Rudi. Hiking the Escalante, 1985

Description: Old Boulder Road. Main route between Escalante and Boulder until the CCC built Hell's Backbone Road and Highway 12 in 1930's to replace it.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: The Hattie Green mine, an early copper working located on the crest of The Cockscomb.

Location: The Cockscomb WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Old Paria Townsite was established in 1874 on the bench above the eastern bank of the Paria River by Mormon settlers who attempted to farm the bottomlands. Site was abandoned in 1890.

Location: adjacent to Paria-Hackberry WSA

Source: Abby, Edward and Hyde, Philip. Slickrock p.46

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Description: Old Paria Townsite movie set. Built in the 1960's to film several movies. Now abandoned but still a popular recreation destination.

Location: adjacent to Paria-Hackberry WSA

Source: Abby, Edward and Hyde, Philip. Slickrock p.46

### Objects of Biological Interest

Description: Riparian zones are corridors for many of the region's species, including neotropical migrant birds. The corridors (including the Escalante, and Paria Rivers and Johnson Creek and their tributaries) bisect the region north to south, allowing for exchange of individuals among different animal populations. The importance of movement corridors to the long term viability of animal populations is of great scientific and management interest. This area would afford many opportunities to enhance this ecological issue.

Location: Entire monument proposal including the Escalante area, Kaiparowits Plateau, and areas west to Kanab including the Escalante, Paria rivers and Johnson Creek

Source: Edwards, Tom, 1996; Knopf, 1985; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

Description: 25 miles of riparian corridor in unit. Connects mountains to desert lowlands. Has great concentration of hanging gardens and riparian vegetation, including relictual populations in canyon bottoms. Also supports many rock crevice communities. Connects other protected areas. High plant endemism, due to large extent of parent material exposure.

Location: Escalante River

Source: BLM Wilderness EIS; Knopf, 1985; Shulz, 1993; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

Description: Riparian corridor links high country to lowland desert scrub. Connects protected areas. Has high concentrations of isolated communities; hanging garden, rock crevice and canyon bottom communities. Also has an abundance of packrat middens.

Location: Paria River

Source: Van Devender and Spaulding, 1979; BLM Wilderness EIS; Knopf, 1985; Shulz, 1993; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

Description: Fifty miles of perennial streams including the Paria River (which is a wild and scenic river inventory segment). Riparian vegetation covers 500 acres.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Three major floras meet in this area. Plants from the Mojave, Arizona deserts and northern Utah are all found here, with a few species from the Great Plains. The Colorado Plateau is surrounded by high mountains, isolating the flora and fauna. Unlike many ecosystems, the plant density, diversity and stature within the monument is determined more by substrate than climate. Consequently, isolation, plus the great diversity of substrates (providing a wide range of soil chemistry and physical characteristics) found within close proximity to each other has resulted in a high level of plant endemism in this area. Eleven species found in the monument are found nowhere else in the world. Of plants that occur only in Utah or on the Colorado Plateau, 125 species occur in the monument. The Canyonlands portion of the Colorado Plateau, much of which is contained in the monument, is considered the richest floristic region in the Intermountain West, and contains 50% of Utah's rare and endemic plants. 90% of these rare and endemic species are found on substrates typical of most of the monument. Of the Canyonlands area, the monument area is considered one of the most significant for endemic populations, with more than 10% of the flora being found no nowhere else.

Of additional significance is that many of the plants in the monument are diploid species. This means they represent the basic genetic stock from which polyploid species in the area evolved. This makes this area of great significance to plant evolutionary biologists and provides a unique opportunity to study the evolution and speciation of plant species, as well as the structure and dynamics of plant communities, independent of climate.

Location: Entire monument

Source: Kaiparowits Power Project EIS; Axelrod, 1960; Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988; Dott, 1996; Shreve, 1942; Cronquist et al., 1977; Utah Natural Heritage Program plant database

Description: The Colorado Plateau was uplifted and downcut without deformation. As a consequence, large areas of unmixed geologic parent materials are exposed, and plants must adapt to large array of highly distinct parent materials. These substrates are sharply demarcated, and often occur within a few meters of each other. This situation offers the unique opportunity to examine the role of soil physical and chemical characteristics in determining plant and animal community structure independent of climatic variables, an important ecological question. It also results in different plant community structure and dynamics than is generally observed in other ecosystems. This area contains shales, siltstones, mudstones, sandstones and limestone of differing depths, and deposited in a variety of environments (marine, freshwater and eolian). Each soil depth and depositional environment has very different chemical and physical characteristics. As a result, there is a great diversity of substrates in this area, each supporting a unique plant community.

Location: Entire monument

Source: Hintze, 1988; Nabhen and Wilson, 1996; Gross, 1987; Dott, 1996; Roberts, 1987

Description: The presence of steep elevational gradients gives the opportunity to sort out the role of temperature and precipitation in structuring plant and animal communities. Elevational gradients have traditionally been used by scientists as a way of examining factors controlling biotic community structure. Juxtaposition of diverse substrates and elevational gradients gives an unparalleled opportunity to determine the respective roles of soil chemistry, physical characteristics, elevation, rainfall and temperature in structuring biotic communities. In addition, it allows for high biodiversity in a small area.

Location: Entire monument

Source: Kaiparowits Power Project EIS; Axelrod, 1960; Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988; Dott, 1996; Shreve, 1942; Cronquist et al., 1977

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Description: The Escalante Plateau is the home to approximately 300 species of amphibians, birds, mammals, and reptiles. This diverse set of wildlife species includes over 20 species of birds of prey including the bald eagle, peregrine falcon, and was the historical range of the condor. The region contains 2 of the 7 recognized centers of endemism for fishes of the western United States.

Location: Escalante Plateau

Source: Davidson et al. 1996; Tom Edwards, 1996; Behnke, R.J., and Zar, M., 1976

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Description: Contains many different geologic substrates (therefore soils with different physical and chemical attributes) in a small area. The majority of endemic in Utah are found on these particular substrates; consequently, this area is expected to have a high concentration of endemics.

Location: Escalante -along boundary of Glen Canyon NRA and Capital Reef National Park

Source: Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988

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Description: Large expanses of fine-textured soils (Morrison, Mancos/Tropic) shales support large number of endemic plant species, fossils.

Location: Henrieville to Escalante

Source: Hintze, 1988; Shulz, 1993; BLM Wilderness EIS

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Description: An exposed monocline with many soils/substrates in close juxtaposition provides tremendous biodiversity of both general and endemic flora. High salt content of stream provides habitat for salt-tolerated riparian plants. Provides a elevational gradient from ponderosa pine to desert scrub. In addition, the rocky substrate has provided refugia for many Arcto-Tertiary plants, providing a unique opportunity to examine the effects of ancient floral presence in the structuring of present-day plant communities. This area also supports a very high diversity of both general and endemic flora.

Location: The Cockscomb

Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996;

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Description: Contains a concentration of many different geologic substrates/soils with different physical and chemical attributes. This area has a high concentration of endemics. This boundary also abuts protected areas (Glen Canyon, Capitol Reef), thereby effectively increasing the value of all three areas for biological conservation. In addition, the Waterpocket Fold has isolated two outcrops of the same parent material. These two areas now support different floras. This presents an outstanding scientific opportunity to explore processes of speciation.

Location: Far eastern boundary

Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996; Armbruster and Lande, 1993; Fahrig and Merriam, 1985; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al., 1996; Diamond,

1981; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

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Description: This is an exposed monocline. Consequently, many substrates (Summerville, Morrison, Dakota, Tropic, Entrada, Navajo, Wingate and Carmel) are exposed directly next to each other, providing an opportunity for studies of ecological processes independent of climate. This monocline also has an elevational gradient, facilitating the study of effects of temperature and moisture on community dynamics. In addition, the rocky substrate has provided refugia for many Arcto-Tertiary plants, providing a unique opportunity to examine the effects of ancient floral presence in the structuring of present-day plant communities. This area also supports a very high diversity of both general and endemic flora.

Location: Straight Cliffs area

Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978.

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Description: Diversity of plant life ranging from low desert shrub to Ponderosa Pine (less than 1 mile apart) enhances the study and observation of ecology. 3 small stands of Ponderosa pine in Alvey Wash.

Location: Death Ridge WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Contained within the monument are 3-5 spatially separated areas where the same substrates are exposed in close proximity to each other. In addition, there are 5 elevational gradients along riparian corridors. This is critical for replicated scientific work to be conducted.

Location: Entire monument

Source: Hintze, 1988; USGS Topographical Maps

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Description: Riparian corridor with elevational gradient, connecting desert low lands to the high country. Vermillion, White, Pink Cliffs (Triassic, Jurassic, Cretaceous material).

Location: Johnson's Creek

Source: Hintze, 1988; USGS Topographical Maps; Beier, 1993; Noss, 1992, 1993

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Description: Fifty Mile Mountain. Presence of aspen on Pleasant Grove, Steer Canyon, and Pinto Mare Canyons.

Location: Fifty Mile Mountain WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Protects lands at low elevation sites frequently rich in species diversity. The range of elevation in these areas from approximately 4500-8300 feet encompasses a wide variation in elevation and will capture the full diversity of plant and animal species in the region.

Location: Entire monument proposal including the Escalante area, Kaiparowits Plateau, and areas west to Kanab

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Source: Hintze, 1988; Utah BLM Final Wilderness EIS, 1990

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Description: The monument contains an abundance of hanging gardens, tinajas, canyon bottom, dunal pockets, salt-pocket and rock crevice communities. These small, isolated populations often contain unusual, often relictual plants and animals. Hanging gardens and canyon bottom communities harbor riparian plants and their pollinators, as well as unique vertebrates (bats and small mammals) and soil fauna. Tinajas are important aquatic resources, and contain a diverse array of tadpole, fairy and clam shrimp, amphibians, algae, water beetles, other crustaceans, snails, mosquito and gnat larvae and aquatic/riparian plants. Highly saline areas are found around many seeps and streams, and consist of plants and animals adapted to highly saline conditions. Dunal pockets contain species adapted to shifting sands, while rock crevice communities consist mostly of slow-growing species that can thrive in extremely infertile sites. These communities offer a chance to examine gene flow dynamics, and to distinguish the respective role of pollen versus seeds. They offer an opportunity to study ground water flow dynamics in the absence of significant fluvial processes, and island biogeography of plants, pollinators and ground-dwelling biota. They also are highly simplified, discrete ecosystems, making them ideal for elucidating basic ecosystem processes.

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Location: Entire monument

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Source: Nabhen and Wilson, 1996; Harper et al., 1994; Welsh et al., 1993; May et al., 1995; Fowler et al., 1995; Graff, 1988

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Description: These canyons provide a high concentration of isolated, unique plant and invertebrate communities: hanging garden, rock crevice, and canyon bottom communities. Many relictual plant species can be found in these communities. Pack rat middens are abundant, providing paleoclimate and paleo-vegetation information.

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Location: Escalante Canyons

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Source: Axelrod, 1960; BLM Wilderness EIS; Van Devender and Spaulding, 1979; Fowler et al., 1995; Nabhen and Wilson, 1996

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Description: Dunal pockets contribute Great Plains species to the flora. These are unique, isolated plant communities.

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Location: Cockscomb to Kaiparowits

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Source: Hintze, 1988

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Description: Unique, isolated communities are located throughout the monument. These include hanging gardens, tinajas, canyon bottom, dunal pocket, salt pocket and rock crevice communities. They provide great opportunities for examining evolution, gene flow, island biogeography and other ecological principles.

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Location: Entire monument

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Source: Case and Cody, 1988; Diamond, 1981; Dott, 1996; Harris, 1984; Ludwig and Whitford, 1981; Fowler et al., 1995; Nabhen and Wilson, 1996; Roberts, 1987; Reice, 1994; Axelrod, 1960

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Description: Biological conservation theory and literature suggests that large contiguous conservation areas increase both extent and probability of population survival, increases protection of migratory pathways, and is the most effective means of conserving aquatic and riparian communities.

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Location: Entire monument

Source: Soule, 1987; Davidson et al., 1996; Miller, 1961; Minckley and Deacon, 1968; Armbruster and Lande, 1993; Fahrig and Merriam, 1985; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

Description: The connection with Glen Canyon provides a larger protected area. It also provides low desert vegetation as part of the vegetational gradients. Large areas are important for maintaining the evolutionary potential of plants and animals, allowing for the exchange of genetic material among the separate populations that constitute a population.

Location: Common boundaries and riparian connections with Glen Canyon NRA, Capitol Reef NP, Box Hollow Wilderness and Paria Wilderness

Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996; Armbruster and Lande, 1993; Fahrig and Merriam, 1985; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

Description: Cryptobiotic soil crusts are critical for soil stability, nutrient availability for vascular plants and normal soil surface temperatures. These crusts are extremely fragile and easily disrupted by soil surface disturbances such as trampling or off-road vehicles. Since the soils in the monument are highly susceptible to erosion, it is important that these biocrusts be protected so they stabilize these erodible soil surfaces. In addition, these ecosystems have few nitrogen-fixing plants. Since these crusts provide nitrogen to these soils, they are a critical part of these nitrogen-limited ecosystems.

Location: Entire monument

Source: Belnap, 1994, 1995; Belnap and Harper, 1995; Belnap et al., 1994; Jefferies, 1989; Harper and Marble, 1988; Johansen, 1993; Mack and Thompson, 1978; Fleischner, 1994

Description: Disturbance of most soil surfaces in the monument area will result in soil surface temperature changes, as bio-crusted surfaces are darker than the substrates underneath them. The expected lowering of temperature with disturbance would result in cooler soil temperatures, and thus later spring plant germination and lower nutrient uptake rates. This may adversely effect desert plant growth in early spring. Surface temperatures also influence foraging and burrowing patterns for many soil invertebrates, and many effect community dynamics of these species.

Location: Entire monument

Source: Ludwig and Whitford 1981; Belnap 1995

Description: Ecosystems in this area are some of the most stable documented to date, as both large and small scale disturbances are limited spatially and temporally. Very little of this area was glaciated in the Pleistocene. Most plant communities evolved without fire or grazing by large ungulate herds, as evidenced by characteristics of the soils and the flora. Catastrophic events are minimal, with the exception of wash bottoms. Microsite disturbances are minimal as well, as most soils support very low populations of invertebrates. 1880

photos repeated in 1990 show many sites virtually unchanged, with the same tree, shrub and grass individuals present, indicating very low species turnover rates in this region relative to other ecosystems. In addition, dead tree branches can still be found in virtually the same condition as they were 100 years ago, indicating plant tissue decomposition rates are extremely low in this region. This makes this area highly unique, as most ecosystems are believed to be structured disturbance. In this region, ecological processes can be studied independent of the effects of disturbance to give us greater insight into their functioning (i.e. factors controlling exotic plant invasions, species-species interactions, etc.)

Soil physical, chemical and biological features appear to be both easily damaged (low resistance) by surface disturbance and have very slow recovery rates (low resilience) when compared to other deserts or more mesic systems. This may be a result of evolution of this ecosystem evolving in the relative absence of disturbance (Belnap 1995, 1996). Therefore, this area is important in the study of how disturbance influences community dynamics, including species-species interactions, and for understanding how to restore these fragile systems. This also means that this area is highly susceptible to damage by different land uses, including recreation and grazing.

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Location: Entire monument  
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Source: Belnap, 1995, 1996; Belnap et al., 1994; Mack and Thompson, 1982; Fleischner, 1994; Kleiner and Harper 1972; Harper et al., 1994; Webb, 1994; Rogers, 1982; Pickett and White, 1985; Moldenke, 1995; Evans and Ehleringer, 1993; Turner et al. 1993; Iverson et al. 1981; Webb and Wilshire 1981; Larsen 1996; Bowers et al. 1994

Description: Isolation of this area has resulted in minimal human impacts. Many of the ecosystems found in this area have received little, if any, human use and the type and extent of disturbance has that has occurred is known. In addition, there are large areas unbroken by roads. This is essential to the protection and conservation of plant and animal species.

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Location: Entire monument  
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Source: Wilcox et al 1986; Wilcox and Murphy 1985; Mader et al., 1990; Osley, et al., 1974; Rost and Bailey, 1979; Witmer and Calesta, 1985

Description: The monument lacks any areas that have been invaded to any large extent by exotic species. There are few such areas in the Intermountain West, and they can provide invaluable information in understanding the ecology and dynamics of exotic plant invasion. These areas aid scientists in understanding what makes systems resistant to such invasions, and thus help land managers predict what areas are susceptible to invasion and restore already-invaded regions.

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Location: Entire monument  
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Source: Billings, 1994; Fleischner, 1994; Forcella and Harvey, 1983; Gross, 1987; Hunter, 1990; Loope et al., 1988; MacMahon, 1987; Pellatt and Hall, 1994

Description: Six threatened or endangered candidate species are located within or near this area.

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Location: Wahweap WSA  
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Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Contains Peregrine falcon (endangered) and 6 special status animal species and 5 special status plant species.

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Location: Mud Spring WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Habitat for Swainson's hawk, golden eagle (Sensitive) and peregrine falcon (endangered).

Location: The Blues WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Peregrine falcon and bald eagle (endangered). 8 animal and 5 plant species of special status.

Location: Paria-Hackberry and Cockscomb WSA and Wahweap WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Thirteen species of raptors are known or suspected of nesting in the WSA

Location: Burning Hills WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Relict plant community in the upper part of Dry Valley "probably possesses important scientific values".

Location: Mud Spring Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Unique relict plant community of piñon-juniper and sagebrush-grass park vegetation accessible only by a steep trail. One of the few remaining unaltered plant communities in Utah. No Man's Mesa RNA was designated as an ACEC in 1986. Such areas are invaluable to science. They provide restoration and management goals for administration of lands. Such areas are also critical to scientists who are trying to understand the natural functioning of ecosystems. Grasslands are especially valuable, as almost all have been heavily grazed for over a century.

Location: Paria-Hackberry WSA (No Man's Mesa and Little No Man's Mesa)

Source: Utah BLM Statewide Final Wilderness EIS, 1990 and Kleiner and Harper, 1972

Description: Four Mile Bench Old Tree Area. Unique area of extremely old (1,400 years) piñon and juniper trees. Unique scientific values on over 1,000 acres.

Location: Wahweap WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: This region is at the northern end of areas that receive summer monsoonal rains, and is at the southern end of areas that depends on winter rains. This distinction is very important to the physiological functioning of plants in this moisture-limited areas, as even minor changes in temperature and/or rainfall may lead to major differences in water availability, and consequently, plant metabolic processes. Climate change is expected to alter both rainfall timing and amount, as well as temperature. This, in turn, would alter plant physiology, water use patterns and community composition in this

region, making the monument an excellent place for studying global climate change.

Location: Entire monument

Sources: Ayyad 1981; Graff 1988; Van Devender and Spaulding 1979; Wagner 1981

Description: Unlike most deserts that are primarily depositional environments, the CP is an erosional one (Welsh 1979; Nat Hist). This contributes to high endemism, as substrate material is not mixed. In addition, it makes this region highly susceptible to soil loss when surfaces are disturbed. This soil loss has a negative impact on plant and aquatic communities, as well as dam sediment loads.

Location: Entire monument

Source: Welsh, 1979; Harper et al., 1994

Description: The effects of scaling up and down are not known for many ecological processes. The multitude of variably sized, discrete watersheds found in this area offer a unique opportunity to test the effects of scaling for hydrological and biological processes. In addition, the close spacing of these watersheds offers a chance to separate the effects of area per se from other environmental factors on community structure.

Location: Entire monument

Source: Allen and Hoekstra 1987; Reice 1994; Pickett and White 1985; Rosenweig 1985

Description: Semi-arid and arid lands of the western United States are highly susceptible to desertification. The lack of natural disturbance in much of this area offers the opportunity to study the effects of different types and levels of land use and to better understand the steps leading to desertification.

Location: Entire monument

Source: Dregne, 1983

Description: This area contains few exotic plants. Having this resource gives the opportunity to better understand what factors inhibit or facilitate exotic plant invasions. Roads have been heavily implicated in facilitating exotic plant invasion, while intact Cryptobiotic soil crusts and less favorable soil chemistry may inhibit such an invasion. Invasion could fundamentally alter these communities, by altering species composition, community dynamics and fire cycles.

Location: Entire monument

Source: Monsen and Kitchen, 1994; Kelly 1996; Harper and Marble 1988; Davidson et al. 1996

Description: Quaternary resources are abundant in the monument. Pack rat middens enable reconstruction of paleoclimates and paleo-vegetation, while Pleistocene animal remains found in alcoves.

Location: Entire monument

Source: Harper et al., 1994

Description: Unlike more mesic ecosystems, there is little evidence that desert communities demonstrate traditional successional sequences. There is little or

no modification of soils or other site characteristics by previous-occurring plants. Understanding of this is important for restoration efforts. The monument offers an excellent opportunity to study this phenomenon independent of climate and disturbance factors.

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Location: Entire monument

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Source: Barbour, 1981; MacMahon, 1987; Shreve, 1942; Dott, 1996

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Description: Peregrine falcon and Bald Eagle use these areas. Areas are habitat for 7 plant and 9 animal species considered sensitive.

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Location: Death Ridge and Fifty Mile Mountain WSAs

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Source: Utah Statewide Wilderness Study Report, 1991

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Description: Peregrine falcon and Bald Eagle use these areas. Areas are habitat for 8 plant and 7 animal species considered sensitive.

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Location: Phipps Death Hollow ISA and Steep Creek WSA

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Source: Utah Statewide Wilderness Study Report, 1991

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Description: Peregrine falcon and Bald Eagle use these areas. Areas are habitat for 9 plant and 7 animal species considered sensitive.

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Location: North Escalante Canyon, The Gulch and Carcass Canyon WSAs

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Source: Utah Statewide Wilderness Study Report, 1991



THE SECRETARY OF THE INTERIOR  
WASHINGTON

August 15, 1996

Memorandum for the President

INTRODUCTION AND SUMMARY

In response to your request, attached as Exhibit A is a draft proclamation, with an accompanying map,<sup>1</sup> to establish the Grand Staircase-Escalante National Monument in southern Utah. This memorandum describes (a) the basis for my recommendation that you establish the Grand Staircase-Escalante National Monument, (b) the proclamation, and (c) the resources, ownership patterns and management issues present in the area. After careful review of the record, I am convinced that the objects satisfy the criteria for establishment of a national monument pursuant to the Antiquities Act, and that the boundaries of the land reserved represent the smallest area compatible with the proper care and management of those objects.

THE ANTIQUITIES ACT

Section 2 of the Antiquities Act, 16 U.S.C. § 431, authorizes the President to establish as national monuments "objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States." It further authorizes the President to reserve, as part of the monument, land that is "the smallest area compatible with the proper care and management of the objects to be protected."

A. Objects of Historic or Scientific Interest

The proposed Grand Staircase-Escalante National Monument is located on the Colorado Plateau in south-central Utah, within the drainage of the Colorado River. Elevation ranges from 4,100 to 8,200 feet

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<sup>1</sup> The boundaries of the proposed monument are drawn on the map entitled "Grand Staircase-Escalante National Monument," which would be attached to, and made a part of, your proclamation. A reduced version of this map suitable for publication would be promptly prepared should you decide to proceed. Because of the acreages involved, it is not practicable, as of this date, to describe the boundaries of the land reserved as a part of the monument either by metes and bounds or by reference to designated subdivisions on official surveys shown on publicly recorded plats or maps. The BLM will produce a description conforming to the BLM Specifications for Descriptions of Tracts of Land for Use in Land Orders and Proclamations as soon as practicable should you decide to proceed.

above sea level. The map appended to the proclamation attached as Exhibit A sets out the boundaries of the land reserved for the monument. The area covers about 1.7 million acres. The proclamation attached to this memo as Exhibit A vividly describes objects in the area that warrant protection as a monument, and Exhibit B lists historic and scientific objects in this area. Attached as Exhibit C is a bibliography of the principal sources of information relied upon in making this recommendation.

The area recommended to be included in the monument has remained isolated and relatively undisturbed and for the most part unroaded. Most of the land within the outer boundaries of the proposed monument is federally owned. The nonfederal land is owned mostly by the State of Utah in scattered 640 acre sections, the result of Utah's statehood land grant. Currently, the federal lands in the area are used primarily for scientific study, primitive recreation, and livestock grazing.

In the last few decades the area in question has been evaluated for the possibility of providing greater recognition of and legal protection for its resources. In the late 1970s, the area was evaluated for its "wilderness characteristics" under FLPMA, and several wilderness study areas, totaling about 900,000 acres, were established in the area covered by the proclamation. The documentation of these areas assembled in the wilderness inventory and study process has identified many of the objects of scientific and historic interest within the monument area.

Nearby federal lands have been recognized by Congress to contain scientific and historic features worthy of protection. For example, in 1972 Congress created the Glen Canyon National Recreation Area (GCNRA) in order to, among other things, "preserve [its] . . . scientific, and historic features contributing to public enjoyment of the area." 16 U.S.C. § 460dd. The GCNRA forms the eastern and part of the southern boundary of the area covered in the attached proclamation. Similarly, Congress established Canyonlands National Park to the northeast in 1964 in recognition of, among other things, its "scientific" and "archaeologic" features, 16 U.S.C. § 271.

More than one hundred national monuments have been established by Presidents over the past ninety years. Attached as Exhibit D is a complete list. Exhibit E lists the monuments by President. Exhibit F is a list of the monuments found wholly or partially on the Colorado Plateau, in the general vicinity of this monument. Most of the proclamations establishing these monuments cited geologic, paleontologic, archaeologic and other features similar to those in the attached proclamation. Many of them included substantial land areas, and/or were enlarged by subsequent proclamations or acts of Congress. A number of them ultimately were designated as National Parks by Congress.

For example, what is now Zion National Park to the west of the monument was originally established by President Taft as Mukuntuweap National Monument in 1909 in order to protect its "many natural features of unusual archaeologic, geologic, and geographic interest" (Proclamation No. 877, 36 Stat. 2498). President Wilson enlarged it in 1918 (Proclamation No. 1435, 40 Stat. 1760), and Congress made it into a national park in 1919 (16 U.S.C. § 344, 41 Stat. 356). President Franklin Roosevelt established Zion National Monument in an adjacent area in 1937 (Proclamation No. 2221, 50 Stat. 1809), and Congress merged it into Zion National Park in 1956 (70 Stat. 527).

President Hoover established Arches National Monument to the northeast in 1929, citing its "unique wind-worn sandstone formations, the preservation of which is desirable because of their educational and scenic value" (Proclamation No. 1875, 46 Stat. 2988). Arches was later expanded by Presidents Franklin Roosevelt and Johnson (Proclamation Nos. 2312 and 3887), and Congress made it a National Park in 1971 (16 U.S.C. § 272, 85 Stat. 422). President Roosevelt established Capitol Reef National Monument to the immediate east in 1938 to protect its "narrow canyons displaying evidence of ancient sand dune deposits of unusual scientific value, and . . . various other objects of geological and scientific interest" (Proclamation No. 2246, 50 Stat. 1856). Presidents Eisenhower and Johnson expanded it (Proclamation Nos. 3249 and 3888), and Congress made it a National Park in 1971 (85 Stat. 739). President Harding set aside Bryce Canyon National Monument to the immediate north and northwest in 1923, citing its "unusual scenic beauty, scientific interest and importance" (Proclamation No. 1664, 43 Stat. 1914), and President Hoover expanded it twice, Proclamation Nos. 1930, 1952, 46 Stat. 3042, 47 Stat. 2455. Congress made it Utah National Park in 1924 (43 Stat. 593) and four years later changed its name to Bryce Canyon National Park (45 Stat. 147).

Farther west on the Colorado Plateau, Cedar Breaks National Monument was established by Franklin Roosevelt in 1933 to protect its "spectacular cliffs, canyons, and features of scenic, scientific, and educational interest" (Proclamation No. 2054, 48 Stat. 1705), and its boundary was subsequently revised by Congress in 1942 (56 Stat. 141) and 1961 (75 Stat. 198). President Theodore Roosevelt established Natural Bridges National Monument in 1908 to preserve "extraordinary examples of stream erosion" and "prehistoric ruins" (Proclamation No. 804, 35 Stat. 2183), and Presidents Taft, Wilson and Kennedy enlarged it (Proclamation Nos. 881, 1323, 3486). Rainbow Bridge National Monument was established by President Taft in 1910, who described it as "of great scientific interest as an example of eccentric stream erosion" (Proclamation No. 1043, 36 Stat. 2703).

The courts (including the U.S. Supreme Court) have occasionally been asked to review exercises of Presidential authority under the

Antiquities Act. They have uniformly upheld establishment of national monuments, e.g.:

Grand Canyon National Monument, on the basis of its unique geology, scientific interest and general public appeal, Cameron v. United States, 252 U.S. 450 (1920);

Devil's Hole National Monument, on the basis of its unique resident pupfish species and the hydrology of the water pool, Cappaert v. United States, 426 U.S. 128 (1976);

Jackson Hole National Monument, on the basis of the interrelationship of living systems, the geologic features and the history of the area, State of Wyoming v. Franke, 58 F. Supp. 890 (D. Wyo. 1945); and

Channel Islands National Monument, expanded on the basis of its varied marine life, fossils, and geology, United States v. California, 436 U.S. 32, 36 (1978).

#### B. Land Area Reserved for the Proper Care and Management of the Objects to be Preserved

The Antiquities Act authorizes the President, as part of his declaration of a national monument, to reserve land, "the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." 16 U.S.C. § 431 (emphasis added). The area proposed for reservation has been carefully delineated, based on review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The area includes the archaeologic, biologic, paleontologic, geologic, and historic objects identified in the Proclamation and Exhibits B and C accompanying this letter. Some of these objects are present throughout the entire monument area, others are scattered within it, and several lie along the borders of the area. Many objects also overlap. Thus, the entire area is necessary for protection of the objects. Even if it were possible to reserve a smaller area by isolating certain objects, such a fragmentation of the proposed monument would endanger many of the objects, undermine the purposes of the monument itself, and create substantial impediments to effective management of the monument.

The area of the proposed monument is based on the conservation needs of the objects to be protected. Some of the objects identified are present throughout the area, and others cover immense, interconnected areas of land or depend for their scientific value on their location at various sites or elevations. Some of the scientific and historic value of certain objects comes from their scarcity and fragility or the fact that they have remained relatively undisturbed and unchanged. Preservation of

such objects (the biologic and archaeologic resources are examples) requires, among other things, protection of land surrounding them in order to maintain the relatively remote conditions that have made their continued existence possible.

Furthermore, the scientific value of many of the objects within the monument requires preservation of areas large enough to maintain the objects and their interactions. For example, species that exist because of the area's extraordinary geologic and environmental stability are distributed according to the geologic features to which they have adapted. Much of the biologic and other scientific interest in the area results from the variety of geologic substrates across elevational gradients. Many species must range within and through the area and neighboring protected areas to maintain viable populations and their role in the ecosystem. Thus, protection of the aggregate area is necessary for proper care of the objects. In addition, a number of the objects are distributed through multiple parts of the area; significant fossils, for example, are distributed throughout the Dakota, Tropic Shale, Straight Cliffs, Wahweap and Iron Springs Formations. Management of a patchwork of reserved lands would be impractical, as it would make it more difficult to care for the objects, reduce options for natural resource management and lead to inconsistent resource management standards for overlapping resources. In short, our analysis indicates that reservation of a smaller area would undermine proper care and management of the monument.

There is ample precedent for declaring analogous geologic, biologic and historic objects to be protected under the Antiquities Act, and reserving correspondingly large areas of land as part of their monument designations. President Theodore Roosevelt was the first President to exercise such presidential discretion in his reservation of over 800,000 acres as the Grand Canyon National Monument. More recent examples include the Wrangell-St. Elias National Monument, which encompassed 10,950,000 acres to protect an assemblage of mountain peaks, including Mount St. Elias and the Mount Wrangell volcano, and the flora and fauna of the Bremner and Chitina River Valleys. The Yukon Flats National Monument, consisting of approximately 10,600,000 acres, encompassed the largest and most complete example of an interior Alaskan solar basin with its associated ecosystem. In closer proximity, 1.6 million acres were initially reserved for the Death Valley National Monument, which Presidents subsequently expanded and Congress expanded again and protected as Death Valley National Park. At 1.7 million acres, the area that I recommend for reservation is comparable in size to some of the earlier Monuments that protected natural resources for scientific and historic purposes.

Many relatively large Monuments were later expanded because they were found to be too small for the care and management of their objects or associated objects. The history of Zion National Monument and Park, described above, provides one example. The area

of land that I recommend you reserve is based on our current understanding of the extent of, and interrelationships between, the objects to be protected.

Finally, although some of the objects to be protected in the proposed monument also exist in surrounding areas, I recommend that you reserve only the identified acreage for the monument. Many of these other areas are already protected under the jurisdiction of various federal or state agencies, with whom the Bureau of Land Management (the BLM) will work to assist in the conservation of shared resources. For example, objects in the eastern and southern end of the Escalante region not included in the proposed monument are subject to protective management in Glen Canyon Recreation Area and Capitol Reef National Park. While additional areas of the Grand Staircase also could have been included in the monument, by limiting the monument and its reserved land to that proposed, a portion of each aspect of the Grand Staircase will be federally protected in some manner, whether within this monument or within Zion or Bryce Canyon National Parks. Finally, the boundaries have been drawn to exclude many non-federal lands, and, for effective management, often lie along the border of BLM lands. In sum, based on available information, I recommend that you reserve only the area delineated on the map accompanying Exhibit A.

#### LEGAL EFFECTS OF THE PROCLAMATION

I direct your attention to several significant aspects of the proclamation attached as Exhibit A. First, it would reserve only the federal lands in the area, because the Antiquities Act applies only to "objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States." 16 U.S.C. § 431.

Second, the proclamation would be subject to valid existing rights. Thus, to the extent a person or entity already owns a valid property right in the federal lands or resources within the area, the exercise of such rights may be regulated in order to protect the purposes of the monument, but the regulation must respect such rights.

Third, the proclamation withdraws the federal lands in the area from "entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument." This withdrawal prevents the location of new mining claims in the area under the Mining Law, and prevents the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals in the area.

Fourth, the proclamation would not reserve the water resources of the area under federal law pursuant to the so-called Winters

doctrine. Some of the objects to be protected under the proclamation (e.g., paleontology, archeology) do not require water. The proclamation would direct the Secretary to address, in the management plan described in the next paragraph, the extent to which water is necessary for the proper care and management of the objects of the monument, and the extent to which further action may be necessary pursuant to federal or state law to assure the availability of water.

Fifth, the proclamation would direct the Secretary to prepare a management plan for the area within three years. The plan, which would be prepared using the resource planning processes of FLPMA, would provide specific, on-the-ground guidance for protecting the objects within the monument, while permitting other uses to proceed where consistent with the purposes of the monument. While it is not possible, in advance of completion of the management plan, to set forth all the details of how existing or proposed future activities in the area would be affected in order to protect the purposes of the monument, the effects are described in general terms further below.

#### ADMINISTRATION OF THE MONUMENT

##### A. Management by the Bureau of Land Management

The federal lands in the area described in the attached proclamation are currently under the jurisdiction of the Bureau of Land Management (BLM) in the Department of the Interior. BLM manages the land pursuant to its basic organic authorities, the primary one being the Federal Land Policy and Management Act of 1976 (FLPMA).

I believe the area is best left under BLM management, and the attached proclamation would have the Secretary of the Interior manage the monument through the BLM. The result would be that management of the federal land would continue under the BLM's existing authorities, but subject to the overriding purpose of protecting the objects described in the proclamation. The establishment of the monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the BLM. It limits the management discretion that the BLM would otherwise have, by mandating protection of the historic and scientific objects within the national monument.

Congress has had before it over the past several years various bills that would designate parts of the area within the monument as wilderness. As noted earlier, about 900,000 acres in the monument have been classified as wilderness study areas pursuant to FLPMA, and managed by law to preserve their suitability for preservation as wilderness pursuant to the Wilderness Act of 1964, 16 U.S.C. §§ 1131-35, until Congress directs otherwise. See 43 U.S.C. § 1782.

The Wilderness Act of 1964 serves some values (e.g., outstanding opportunities for solitude and primitive and unconfined recreation) that are not addressed in the Antiquities Act of 1906 which, as noted earlier, serves to protect "objects of historic or scientific interest." Section 2(c) of the Wilderness Act does expressly acknowledge that a wilderness area "may . . . contain ecological, geological, or other features of scientific, educational . . . or historic value," and section 4(b) directs that wilderness areas "shall be devoted to the public purposes" of, among others, "scientific, educational, conservation, and historical use."

The extent of any overlap between wilderness management and protecting the objects within this monument would be addressed in the process of preparing a management plan for this monument. Nothing in the proclamation establishing this monument would prevent the Executive from recommending, or Congress from designating, areas within the monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments, including the following monuments: Badlands, Bandelier, Black Canyon of the Gunnison, Chiricahua, Craters of the Moon, Joshua Tree, Lava Beds, Misty Fjords, Organ Pipe Cactus, Pinnacles, and Saguaro.

B. Impact of monument designation on existing or planned activities in the area

1. Currently permitted livestock grazing (including existing pipelines, water impoundments and similar range improvements), hunting, fishing, off-road vehicle use, and similar activities

These activities would generally not be affected at current levels or in current areas of use. The only exceptions are (1) where the management plan to be prepared identifies specific places where such uses ought to be restricted or prohibited as necessary to protect the objects protected by the monument proclamation; or (2) where, in advance of completion of the management plan, the BLM land manager finds a clear threat from such a use to an object protected by the designation and the circumstances demand swift protective action. Except in emergency situations, any restrictions on the current levels or areas of use of such activities will be adopted only after a public process and only where necessary to protect the purposes of the monument.

Such uses would, of course, remain subject to existing laws and regulations other than the Antiquities Act, and therefore remain subject to regulation under such provisions for reasons other than establishment of the monument.

2. Use of existing rights-of-way (such as those established under R.S. 2477 or Title V of FLPMA)

As noted earlier, the area covered by the proclamation has very few roads. Use of existing rights-of-way would generally be subject to the same standards as described in the preceding section addressing currently permitted uses. In some cases existing rights-of-way may include valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights.

### 3. Activities on state or private land

The area within the boundaries of the proclamation contains approximately 180,000 acres of state land (mostly checkerboarded, four sections to each township, pursuant to the terms of the Utah statehood act). It also contains approximately 15,000 acres of private land. The monument designation would not apply to those lands. The legal principles applicable to the use of these lands prior to establishment of the monument would continue to apply.

### 4. Mining claims

New mining claims would be prohibited as the proclamation withdraws the area from the Mining Law. Existing mining claims that contain a valid discovery of a valuable mineral deposit as of the date of the designation would contain valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights. Activities on existing mining claims that lack a discovery may be regulated to protect the purposes of the monument.

### 5. Coal Mining Proposals

The proposed monument contains coal resources, particularly in the Kaiparowits coal field. Limited mining for local use dates back decades, but has cumulatively totaled only a few thousand tons. Test mining of a few thousand additional tons took place in the 1970s, but there has never been a major mine, nor any other major development, in the area proposed for the monument. There have, however, been a number of proposals over the years to open coal mines and build power plants in the region.

In the mid-1960s the Department issued numerous coal leases to private entities in the Kaiparowits coal field. A number of these leases have expired or will expire in the near future. The principal remaining lessees are PacifiCorp (successor to Utah Power & Light Co.) (about 18,000 acres) and Andalex Resources, Inc. (about 34,000 acres).

In the 1970s several mines and a large mine-mouth power plant were proposed in the area, but after extensive study and considerable public controversy, the proposals were withdrawn. The environmental impact statements prepared for the 1970s mines and power plant proposal were the first detailed cataloguing of much of

the scientific and historic resources of the area in the proposed monument.

Andalex Resources is the only major holder of federal coal leases in this area that has put forward a concrete proposal to develop its leases. The Department, along with the State of Utah, is in the process of preparing a draft environmental impact statement (EIS) under the National Environmental Policy Act (NEPA), on Andalex's proposal to open a mine in the Smoky Hollow area on the south side of the Kaiparowits Plateau. The mine would involve about 25,000 acres of land in the area covered by the proclamation, as well as require construction of a transmission line and a microwave communication system, and improvement of an existing road or construction of a new road to the mine site.

Andalex's current plan is for the coal to be trucked off the mine site via an existing dirt road (to be paved) south through the GCNRA, or through construction of a new road west and south of the mine site through BLM land. Either route would connect to the existing paved highway at Big Water, Utah, south of the area. From there the coal would continue by truck to a rail line near Cedar City, Utah, or Moapa, Nevada, and from there by rail to customers in the southwest and to the Port of Long Beach to be transported by ship to consumers in the Far East. The proposed mine would operate for more than a half century. Haul trucks would operate 24 hours a day, 365 days a year, with loaded trucks dispatched from the mine at 8 to 10 minute intervals.

The company has applied for a number of permits, rights-of-way, and other authorizations required by federal and state law. The draft EIS on the proposal is expected to be published for public comment in the next few months. Following publication of the draft and a public comment period, a final EIS must be prepared before a final decision on the proposal can be made. The company must receive a favorable decision before any mining can begin.

Establishment of the national monument introduces an important new consideration into the decisionmaking process regarding the proposed mine. Significant questions remaining include (a) whether the proposed project is inconsistent with the purposes of the monument; and (b) whether and to what extent the company has valid existing rights that would have to be addressed. On this second point, the federal coal leases held by Andalex do not convey absolute rights to develop coal. Among other things, the leases are subject to other applicable legal requirements, and do not convey rights of way across federal land located off the leasehold. These rights of way remain subject to an independent federal permit requirement.

One of the other major holders of federal coal leases in the area, Pacificorp, has indicated its interest in relinquishing its leases. My staff has been actively discussing with the company ways to

accomplish this, including an exchange for bidding rights on other federal mineral leases. Andalex has in the past rebuffed Departmental inquiries regarding possible relinquishment of their leases, but I would seek to explore this possibility again if you establish this monument. In order to allow time to assess the company's willingness to pursue alternatives to the proposed project, I would, unless you direct otherwise, suspend the EIS preparation process upon creation of the monument to allow Andalex to assess the situation. Should Andalex not wish to move toward relinquishing the Kaiparowits leases, I would restart the EIS process and move it to completion and an ultimate decision on whether the proposed mine, including associated rights-of-way, can go forward consistent with existing law, including the monument proclamation.

#### CONCLUSION

Establishing the Grand Staircase-Escalante National Monument would be an exemplary exercise of Presidential authority under the Antiquities Act, well in keeping with past practice through which many notable objects of historic and scientific interest have been preserved, to the Nation's great and lasting benefit. I strongly recommend you sign the proclamation.

A handwritten signature in black ink, appearing to read "Ryan Zinke".

The Secretary of the Interior

LIST OF EXHIBITS

- A The Draft Proclamation
- B List of Historic and Scientific Objects in the Area
- C Bibliography of Principal Sources of Information
- D Complete List of National Monuments
- E National Monuments by President
- F National Monuments on the Colorado Plateau

## Exhibit - A

Proclamation \_\_\_\_\_

Date \_\_\_\_\_

## Establishment of the Grand Staircase-Escalante National Monument

By the President of the United States of America

## A Proclamation

## The Grand Staircase-Escalante National Monument

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millenia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white.

Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlaying Wahweap and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic

region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia. Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. § 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. § 431), do proclaim that there are hereby set apart and reserved as the Grand

Staircase-Escalante National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the document entitled "Grand Staircase-Escalante National Monument" attached to and forming a part of this proclamation. The federal land and interests in land reserved consist of approximately 1.7 million acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation; however, the national monument shall be the dominant reservation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of the monument. The Secretary of the Interior shall prepare, within three years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to federal or state law to assure the availability of water.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of August, in the year of our Lord nineteen and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

William J. Clinton

Q. Why is the President doing this?

A. As the proclamation vividly describes, these are federal lands with unique values. The area is the most remote in the Lower 48. It is almost untouched and virtually undeveloped. As the proclamation makes clear, the monument covers objects and areas of tremendous scientific and historic value, including archaeological sites, rare biological communities, hundreds of millions of years of geologic history and uniquely valuable fossil records.

These are special public resources that deserve protection. The monument designation will help ensure that future decisions about the area are shaped in a way that recognizes and protects its special qualities.

It is important to remember that many of the Nation's most loved natural areas were first protected by Presidential action under the Antiquities Act, including the nearby national parks at Grand Canyon, Zion, Arches, Bryce Canyon, and Capitol Reef.

Q. Why do this now?

A. A compelling reason is the President's concern that the proposed Andalex coal mine could irreversibly damage this unique area. The President also believes it is important to draw attention to and protect the unparalleled and fragile resources that exist not only in the area of the proposed mine, but also in the surrounding area.

Andalex Resources, a privately-held, foreign-owned coal company, is aggressively seeking approval to open a coal mine on the Kaiparowits Plateau in the heart of these wild lands. The proposal is to truck the coal out of the area on newly constructed or improved roads and ship most of it overseas to the Far East.

As the President said up in Yellowstone, there are the right places to mine and the wrong places. Coal companies and speculators have tried before to develop the Kaiparowits and nearby coal fields -- and they've always backed away because the opposition has been widespread and the economics marginal. The President hopes that Andalex will agree to work with the Department of the Interior to trade its remaining interests for coal elsewhere in Utah.

Another company with federal coal leases in the area is in discussions with the Department of the Interior to swap its holdings for coal elsewhere in Utah. We hope Andalex will also

take that route.

If Andalex won't agree to a trade, the President wants to ensure that any mine that might eventually go forward, including all associated features such as roads and power lines, are subjected to the highest possible standards of environmental review. The new monument designation helps provide that assurance.

Q. Can the coal mine go ahead even with the new monument?

A. That cannot yet be conclusively determined. If Andalex does not work with us to relinquish its leases within the monument in exchange for other federal property, the Secretary of the Interior will restart the EIS process, which will address the environmental impacts of the mine, including its effects on the objects of historic and scientific interest that led to creation of the monument. Environmental impacts, including impacts on the monument, are relevant to the Secretary's decision whether to approve the mine proposal.

Q. Doesn't this action inherently bias the environmental review against the mine?

A. No. It emphasizes that the decision on the mine proposal must protect these objects of historic and scientific interest.

Q. Is this just a campaign event?

A. No. The Andalex mine issue and the extraordinary environmental and scientific value of the surrounding lands were brought to the President's attention during recent congressional debates on the future of federal land management in Utah. You'll recall that the President threatened to veto bills that would have eliminated or reduced protection for some of the lands protected by this monument and millions of other acres of Federal land in Utah.

The President was surprised to learn that public lands with these values were not better protected, and he was particularly concerned that coal mining in the area would despoil one of the most remote, beautiful, and ecologically intact areas in the lower 48. He instructed White House and agency staff to advise him on measures he could take to protect the area and asked Secretary Babbitt for a specific recommendation regarding the Antiquities Act. This monument is the result.

Q. Isn't this going to reignite the "War on the West" rhetoric?

A. It shouldn't. There will be no effect on private property rights. The monument designation doesn't apply to anything but

federal land -- land that belongs to the American people.

Grazing, hunting, fishing, and backcountry camping and travel will continue. Grazing permits remain in effect. Over the next three years, the Department of the Interior will develop, with full public involvement, a long-term management plan for the monument.

In terms of its impacts on the mining industry, the President wants to trade the leases here for federal coal in other, less environmentally sensitive areas. So it's not a question of jobs or no jobs. It's really a question of finding the right location in Utah for mining.

**Q. Won't this hurt the economy of the area?**

A. To the contrary. Millions of people from around the world visit the parks and public lands of the Colorado Plateau each year specifically because the land is beautiful and unspoiled. Six park units within 55 miles of this monument receive a total of more than 11 million visitor days per year. We are confident that, like Zion, Bryce Canyon, the Grand Canyon, and other natural wonders in this region originally protected by Presidential action under the Antiquities Act, the Grand Staircase-Escalante National Monument will help protect the underpinnings of the region's economy and provide one more reason for visitors and businesses to come to the area.

**Q. On what basis were the boundaries of the monument drawn?**

A. The monument boundaries encompass the area required to properly care for the remarkable objects within the monument. Interior Department staff reviewed the available information, identified numerous objects deserving protection, and outlined a monument of sufficient size to protect those objects. Some of the geological, archeological, paleontological, historical and biological features are present throughout the entire monument area, others are scattered within it, several lie along the borders of the area, and many overlap. Under these circumstances, fragmenting the monument would endanger many of these features.

Presidents have proclaimed other monuments of similar size, including the Grand Canyon (800,000 acres when originally established by Theodore Roosevelt); Glacier Bay (1.4 million acres when originally established by President Coolidge); Death Valley (850,000 acres when established by President Hoover); and Wrangell-St. Elias (nearly 11 million acres when established by President Carter).

**Q. What's going to happen to the state and private parcels in**

the monument?

Approximately 180,000 acres of state land and 15,000 acres of private land are within the boundaries of the monument. The monument designation does not apply to these lands because the Antiquities Act applies only to federal lands. Very few people live within the boundaries of the monument, and the towns in the area -- Escalante, Boulder, Kanab, and Tropic -- are outside the boundaries of the monument. As in other areas where states have inholdings in protected areas of federal lands, we are prepared to exchange these inholdings for other federal land outside the monument boundaries.

Q. How long does the monument designation remain in effect?

A. It is permanent, unless altered by legislation. Historically, almost all of the more than one hundred national monuments created by Presidential proclamation since 1906 have either been left undisturbed or reaffirmed by Congress. Congress has, for example, enacted legislation redesignating as national parks a number of national monuments, including some in the area of this monument; e.g., Zion, Capitol Reef, Bryce Canyon, Grand Canyon, Arches.

Q. Is this monument the same thing as a wilderness area?

A. No. The Wilderness Act of 1964 seeks to preserve roadless areas that offer outstanding opportunities for solitude and primitive and unconfined recreation. The Antiquities Act of 1906, on the other hand, serves to protect "objects of historic or scientific interest." Management of resources in a national monument may resemble wilderness management if necessary to protect the historic and scientific features to be protected, but activities such as motorized vehicular travel that would be prohibited in wilderness areas may be permitted in a national monument. As noted above, the measures necessary to protect the objects within this monument will be addressed in the process of preparing a management plan.

Nothing about the action taken today prohibits the Executive from recommending, and Congress from designating, areas within the monument as wilderness. Congress has, in fact, many times in the past designated wilderness within national monuments, including the following monuments: Badlands, Bandelier, Black Canyon of the Gunnison, Chiricahua, Craters of the Moon, Joshua Tree, Lava Beds, Misty Fjords, Organ Pipe Cactus, Pinnacles, and Saguaro.

Q. What is the relationship between the new national monument and the Utah wilderness inventory review recently announced by Secretary Babbitt?

A. None, they are separate actions.

After nearly 20 years of controversy over the Bureau of Land Management's inventory to determine which of the lands it manages in Utah have wilderness character, Secretary Babbitt last month directed the BLM to conduct a statewide review of 2.5 million acres that many wilderness advocates in and out of Congress have alleged were wrongfully excluded from the earlier inventory. Secretary Babbitt has promised to consult widely before taking further action once the review is completed in January 1997.

As noted above, Congress can create wilderness areas within national monuments. The Grand Staircase-Escalante National Monument contains about 900,000 acres of existing BLM wilderness study areas (WSAs) and several hundred thousand acres that many believe ought to be classified as WSAs. The review directed by the Secretary will examine these latter areas, as well as other areas outside the monument. The decision to put any area into the National Wilderness Preservation System requires, under the Wilderness Act, an Act of Congress.

Q. Why didn't the President reserve water rights for the monument?

A. Some of the objects in the area (e.g., paleontologic and archeologic) do not require water. As noted above, BLM will develop, over the next three years and with full public involvement, a long-term management plan for the monument. This plan will address the extent to which water is necessary for the proper care and management of the objects of the monument. The plan will also address whether and how to assure the availability of any needed water under state or federal law.

DRAFT

Presidential Statement

Today I take lasting pride in proclaiming the Grand Staircase-Escalante National Monument in the expansive high-plateau country of southern Utah. I do this under one of our greatest conservation laws, the Antiquities Act of 1906. Theodore Roosevelt used this Act to proclaim 18 different monuments, including the Grand Canyon. Nearly every President since has used it to protect our nation's cultural and natural legacy. Today we pay the finest possible tribute to TR's crusading spirit.

The Grand Staircase-Escalante, 1.7 million acres of public lands, is a place where we can see the hand of God at work, etching the canyons, tracing the streams, lifting high the plateaus, using every brilliant color on His palette. Ancient human cultures, our long-ago ancestors, walked this ground and left behind their structures and rock art. Deep below, invisible to us, lie the bones of dinosaurs and other creatures from the Cretaceous.

This is also a monument to America's own history. In the Grand Staircase-Escalante, a frontier then and now, we can gain some understanding of the travails that courageous Mormon pioneers faced in their sacred quest to settle a dry and difficult land.

Some have proposed to mine coal in this area, but I am confident that we can resolve this situation, as we recently did at Yellowstone, through a determined effort to take the long view in a spirit of cooperation, working hard to reach the common ground. There are times and places where we will be a far better people and Nation where we find the will, ... a hurried world, to stay our hand.

For this is a day to look far ahead, to make our minds learn the highest lessons of the endless vistas of cliffs and plateaus. Wallace Stegner, one of America's greatest writers and the American West's most eloquent voice, wrote of the canyon country that it "fills the eye and overflows the soul." And this land does implore us to heed our souls and hearts, to see far, to imagine all the long lines of generations of people stretching beyond the horizon. We do this for them, for those still to come.

Therefore, as a gift to our children and grandchildren and to many other generations, I now proclaim, on behalf of this generation of Americans, the Grand Staircase-Escalante National Monument.

## Exhibit -- B

Grand Staircase - Escalante National Monument  
List of Historic and Scientific Objects of Interest

Description: Perennial streams enter entrenched canyons in white Navajo and deep-red Windgate Sandstone. Deer Creek, Steep Creek, and The Gulch have perennial flows of clear cold water. The Gulch leads up into the spectacular Circle Cliffs where remarkable specimens of petrified wood (60 ft. logs) exist in the Morrison and Chinle formations.

Location: Escalante - Steep Creek WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: White Canyon cuts through the Kaibab Limestone to the Coconino Sandstone, the oldest stratum in the Upper Escalante drainage.

Location: Escalante - Studhorse Peaks unit

Source: Davidson, E.S., Geology of the Circle Cliffs Area, Garfield and Kane Counties, Utah, 1967. p. 10

Description: Big Spencer Flat Road and the V Road is site of "thunderball" iron concretions known as Moqui marbles. These oddities weather out of the Navaho sandstone and are a popular recreation feature.

Location: North Escalante Canyons WSA

Source: Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah. p. 16, and Utah BLM Statewide Final Wilderness EIS, 1990

Description: The Waterpocket Fold tops out at Deer Point (7,243 feet). Most of the Waterpocket Fold is in the Capitol Reef National Park where it is a major landmark.

Location: Escalante - Colt Mesa unit

Source: Utah Wilderness Coalition, Wilderness at the Edge, p. 189, and Davidson, E.S., Geology of the Circle Cliffs Area, Garfield and Kane Counties, Utah, 1967. p. 61

Description: The inner gorges of the upper Moody Canyons cut into the relatively harder Kaibab Limestone and Coconino Sandstone (oldest exposed layer in this region).

Location: Escalante - Colt Mesa unit

Source: Utah Wilderness Coalition, Wilderness at the Edge, p. 189

Description: Dry Valley Creek Canyon. A waterfall blocks the entrance to Dry Valley Creek Canyon and consequently, the canyon remains in its natural condition. A perennial stream cuts through alluvial benches. It is relict and probably possesses important scientific values.

**Objects of Geologic Interest, August 1996 (Continued)**

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Location: Mud Springs Canyon WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The East Kaibab Monocline or the Cockscomb is unique as a Colorado Plateau structure. Its alignment with the Paunsaugant, Sevier, and Hurricane faults suggest that it too could be a fault at depth. It extends from the Colorado River north to Cannan Peak and is a major landmark.

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Location: Kaiparowits Plateau - The Cockscomb WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Blues - a Cretaceous shale badlands, richly colored and contrasting with adjacent pink sandstone cliffs that forms a significant part of the vista for visitors to Bryce Canyon National Park. The Kaiparowits formation is well exposed here represents an accumulation of exceedingly rapid proportions and an immature sedimentary region which is not well displayed in any other formation in the Colorado Plateau.

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Location: The Blues WSA (near Bryce Canyon)

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Source: Welch, S.L., Rigby, J.K., Hamblin, W.K., A Survey of Natural Landmark Areas of the North Portion of the Colorado Plateau, 1980 p. 248

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Description: Fiftymile Mountain is a complex of deep canyons, upwarps, monoclines, hogbacks and a spectacular 42-mile long Straight Cliffs wall, topping a thousand-foot-high cliffline of the Summerville, Morrison and Dakota formations. This complex marks the edge of the Kaiparowits Plateau.

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Location: Kaiparowits Plateau - Fiftymile Mountain WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Ancient coal fires of Right Hand Collet Canyon have left surface remains in the form of clinkers and deep red ash. These remains dominate the visual character of the drainage.

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Location: Carcass Canyon WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Arch. Span of 40 feet located in Calf Canyon, and is visible from the Alvey Wash road.

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Location: Carcass Canyon WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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**Objects of Geologic Interest, August 1996 (Continued)**

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Description: Burning Hills - naturally occurring underground coal fires have turned steep and rugged exposed hilltops a distinctive red.

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Location: Burning Hills WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Devils Garden - oddly shaped arches (including Metate Arch) and rock formations in the hills at the foot of the cliffs marking the Kaiparowits Plateau.

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Location: Careass Canyon WSA (east of WSA)

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: This area possesses exceptional scenic values and contains a portion of the Cockscomb, a prominent southern Utah geologic feature. the Cockscomb forms 2 parallel knife-edged ridges with a bisection V-shaped trough. Flatirons, small monoliths, and other colorful formations are present on the west ridge. These major features of south central Utah cover over 4,000 acres.

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Location: Mud Spring WSA.

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: An interesting fold in Henrieville Creek along the northwest boundary of the WSA is of geologic interest and a sightseeing attraction

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Location: Mud Spring WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Window Wind Arch above the middle trail has scenic value because of its location on the very edge of the Straight Cliffs. The Straight Cliffs escarpment is major landmark in south-central Utah and an important scenic feature within view from the Hole-in-the-Rock road. Woolsey Arch is located in Rock Creek Basin, an area of colorful Navaho sandstone and high cliffs.

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Location: Fifty Mile Mountain WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Unique because it consists of 2 prominent southern Utah physiographic systems. It includes the eastern most extension of the White Cliffs component of the famous ascending staircase, cliff and terrace physiography, the Vermillion, White, and Pink Cliffs; and east of the Paria river, the dividing point is the landscape representative of the Glen Canyon physiography of sculptured, dissected, and exposed Navaho

**Objects of Geologic Interest, August 1996 (Continued)**

sandstone. The area where these merge between Deer Range and Rock Springs Bench is a highly scenic complex and colorful landscape.

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Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Vermillion Cliffs with its associated Wingate Sandstone cliffs, colorful Chinle badlands, and canyons with there multiple colors and the intensity of coloration contribute to high scenic quality. Included in this landscape are Hackberry Canyon, Paria River Valley, Hogeeye Canyon, the Pilot Ridge-Starlight Canyon-Kirbys Point area and Eight Mile Pass.

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Location: Paria-Hackberry WSA.

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: An area of high scenic value include the breaks of the Rush Beds and the west wall of Cottonwood Canyon, upper tributaries to Hackberry Canyon, Death Valley Draw, and the exceptional Navajo Sandstone domes and fin formations on either side of lower Hackberry Canyon.

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Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Four ONA's designated to preserve "unique scenic values and natural wonders". North Escalante Canyon (5,800 acres), The Gulch (3,430), Escalante Canyons (480 acres), Phipps-Death Hollow (12 more outside WSA)

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Location: North Escalante Canyons WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Location: North Escalante Canyons/The Gulch ISA

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Description: This area is geologically complex and has some of the most outstanding canyon scenery in the country. Harris Wash a canyon of the classic Escalante River drainage canyon form with many entrenched meanders in the Navajo Sandstone.

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: A unique feature of the Burning Hills is the red coloration in the landscape is the result of geological changes attributed to the naturally occurring coal fires. The coloration creates a highly scenic area.

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Location: Burning Hills WSA

**Objects of Geologic Interest, August 1996 (Continued)**

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: The White Cliffs are high white or yellow cliffs of Navajo Sandstone. Vary in height from 600' at Deer Springs Point bench to 1,200' at Deer Springs Point and the Sheep Creek Bull Valley Gorge-Paria River confluence. The cliffs consistently reach a 1000' in height and the cliffline is interrupted by 8 canyons.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: This area contains twenty-four undeveloped springs. Ten are located in upper Paria, 6 in hackberry, 5 on the eastern border of Cottonwood Creek, and 3 on west boundary. There are also 6 developed springs. These are significant features in this arid environment.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Phipps-Death Hollow ONA (12/23/70) contains 34,288 acres managed to preserve scenic values and natural wonders.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Arches. Peek-a-boo Rock, Wahweap Window, Jacob Hamblin Arch, Starlight Arch, Cobra Arch, Sam Pollack Arch, Woolsey Arch, and several more unnamed arches and natural bridges.

Location: Kaiparowits Plateau and adjacent areas

Source: Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah.

Description: Sand-calcite crystals from the Morrison Formation. These crystals are the first reported occurrence from rocks of Jurassic age and only reported sand crystals in southern Utah.

Location: Kaiparowits Plateau

Source: Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah. p. 18

Description: Circle Cliffs in the northeast portion of WSA features intensively colored red, orange, and purple Chinle mounds and ledges at the base of Wingate Sandstone cliffs. Vertically jointed cliffs banded with red, yellow, and white colors and bench tops and upper cliff faces possess innumerable orange-red Kayenta Sandstone

**Objects of Geologic Interest, August 1996 (Continued)**

knobs. One of most spectacular and distinctive landscapes on the Colorado Plateau.

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Location: Steep Creek WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Area includes Escalante Natural Bridge (130' high, 100' span) and 4 other natural bridges and arches.

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Location: Phipps-Death Hollow WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Gulch is a major geologic feature. Deeply entrenched very sheer red straight line Wingate Sandstone walls. High ridges and slickrock peaks. Ridges drop fairly abruptly to canyons below.

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Location: Steep Creek WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Lamanite Natural Bridge. Actually a large arch with good symmetry and form. Located in an impressive setting in a deep side canyon to The Gulch.

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Location: Steep Creek WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Petrified wood. Upper Gulch-Circle Cliffs contains large, unbroken logs of petrified wood (NEA. 2,213 acres). Maximum log length 36'. The scenic values of these logs is enhanced by their colorful surroundings.

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Location: Steep Creek WSA

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Source: Utah Statewide Wilderness EIS, 1990 W FEIS 3B 19, and Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah, p.13.

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Description: Outstanding scenic values include the upper portion of Paradise Canyon where sandstone in the Wahweap Formation outcrops as colorful walls and cliffs. Ponderosa pine growing in the sandstone enhance the scenic values. Two sandstone monoliths or fins above Alvey Wash are prominent geological features.

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Location: Death Ridge WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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**Objects of Geologic Interest, August 1996 (Continued)**

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Description: The area contains a unique canyon and bench system. The entire ISA contains outstanding scenery. Examples include the area east of Horse Canyon. Four canyons have isolated 10 benches of varying size. Many bench tops have intricate pattern of innumerable orange-red Kayenta Sandstone knobs. Wolverine Canyon and Death Hollow have extremely narrow and convoluted sections. Another feature, Harris Wash a canyon of the classic Escalante River drainage canyon form with many entrenched meanders in the Navajo Sandstone.

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Location: North Escalante Canyons/The Gulch ISA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Mollie's Nipple, an erosional remnant is a major landmark in the area.

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Location: Kaiparowits Plateau.

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Natural Arches. Sam Pollock Arch, located at the head of a tributary drainage of Hackberry Canyon, and Starlight Arch located west of No Man's Mesa.

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Location: Paria-Hackberry WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Area of diverse geology represented by spectacular deep canyons. The Escalante River canyon is 1100 feet deep. The canyon walls are rough and broken and the canyon is narrow and it meanders. Pure white to golden sandstone has been eroded into expanses of slickrock. Death Hollow Canyon is 1,000' feet deep and meandering. The extensive upper basin through which Mamie Creek flows is a extremely dissected area of canyons, tanks, other formations. Red layers of Carmel Formation cap high mesas and ledges of the exposed Kayenta Formation.

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Location: Phipps-Death Hollow ISA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Petrified wood deposits just west of the Old Paria Townsite and in Hackberry Canyon. Both are in the Chinle formation.

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Location: Paria-Hackberry WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: All the topographic features of the Kaiparowits region have been developed in sedimentary rocks. The Kaiparowits Plateau is a slightly tilted sedimentary mass that extends as a narrow mesa from the High

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Objects of Geologic Interest, August 1996 (Continued)

Plateaus to Glen Canyon 70 miles distant. Its culminating point, Canaan Peak is an outlier of the Table Cliff Plateau; the Paria Plateau is a huge block of sandstone, the Waterpocket monocline is a ridge of folded rock intricately dissected and flanked by hogbacks, and the broken "comb" in the vicinity of Paria is the edge of sandstone beds upthrust in the East Kaibab fold. The Circle Cliffs are inward-facing walls of sandstone that rim an oval depression. These prominent features are but large-scale examples of the mesas, buttes, and ridges that characterize the landscape of southern Utah.

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Location: Kaiparowits Plateau region

Source: Gregory, H.E. and Moore, R. C. The Kaiparowits Region: A Geographic and Geologic Reconnaissance of Part of Utah and Arizona. 1931.

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Description: Paria River from Colorado River to its source, identified by NPS as possessing values that may be of national significance, potential to be included in the National Wild and Scenic River System.

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Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Escalante River from Lake Powell to its source, a section of 14.9 miles, was designated as for study as a candidate Wild and Scenic River by the Secretary of the Interior on 10/11/70.

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Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Lower Calf Creek Falls. Calf Creek Canyon is characterized by red alcoved walls, 2 waterfalls, and extensive expanses of white slickrock. Lower Calf Creek Falls drops 126' and Upper Calf Creek's drop is 86'. High educational values associated with interpretation of these areas.

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Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The area contains 40 miles of perennial streams, a significant feature in this arid environment.

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Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Objects of Paleontologic Interest, August 1996

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Description: Fossil assemblage photographs. Typical mollusks from Tropic Shale, south of Escalante include straight cone edaphopods, ammonites, gastropods, and pelecypods and Cretaceous sharks teeth from the Straight Cliffs Formation

Location: Kaiparowits Plateau

Source: Sargent, K.A., Environmental Geologic Studies of the Kaiparowits Coal-Basin, Utah, pp 14-15

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Description: Gray Cliffs/Pink Cliffs - This sequence of rocks may contain one of the best and most continuous records of Late Cretaceous terrestrial life in the world. Formation has yielded early mammals, lizards, dinosaurs, crocodilians, turtles, mollusks.

Location: Kaiparowits - The Blues WSA

Source: BLM, Escalante/Kanab RMP - Grand Staircase Ecosystem Analysis, 1994

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Description: Fossils deemed by the Museum of Northern Arizona in a 1976 study to be of major importance. They are found in the Cretaceous Wahweap Formation outcrops include abundant fragments of turtle shells and dinosaurs, as well as several crocodile teeth. There is an excellent chance that mammal fossils will be found

Location: Kaiparowits Plateau - Nipple Bench unit

Source: BLM, Kaiparowits power project environmental impact statement, 1976

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Description: The Straight Cliffs Formation is limited to the southern Utah area. It contains primitive mammals including one of the potentially oldest marsupial fossils identified.

Location: Kaiparowits Plateau

Source: BLM, Warm Springs Project Preliminary Draft EIS, 1996

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Description: Invertebrate and vertebrate specimens found Straight Cliffs, Tropic Shale, and Dakota Formations. 13 collection sites recorded (gastropods, cephalopods in upper Cretaceous Formations, vertebrate in Dakota and Tropic Shales). Likely to occur along entire length of the Straight Cliffs

Location: Carcass Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Kaiparowits is of interest in understanding the evolution of mammals and other terrestrial vertebrates. Very little is known of Cretaceous mammals prior to the latest part of that period. The mid-

Objects of Paleontologic Interest, August 1996 (Continued)

Cretaceous mammalian twilight zone is spanned by the fossiliferous, terrestrial rock units of the Kaiparowits region. They contain unique evidence bearing on the early diversification of important mammalian groups of the Late Cretaceous. The thickness, continuity, and broad temporal distribution of the Kaiparowits sequence provides the opportunity to document changes in terrestrial vertebrate assemblages over a wide span of Late Cretaceous time.

Location: Kaiparowits Plateau

Source: Eaton, Jeffrey G. and Cifelli, Richard L. Preliminary report on Late Cretaceous mammals of the Kaiparowits Plateau, southern Utah, 1988

Description: Extremely significant fossils including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals have been recovered from the Dakota formation, Tropic shale, Straight Cliffs Formation (Tibbet Canyon, Smoky Hollow, and John Henry members), and Wahweap formation in the area around the proposed Andealex mine and some localities lie directly along the proposed haul routes. This sequence of rocks(including the overlying Wahweap and Kaiparowits formations) contain perhaps the best and most continuous record of Late Cretaceous terrestrial life in the world

Location: Kaiparowits Plateau

Source: Eaton, Jeffrey G., Personal correspondence to Mr. Mike Noel, BLM, 1991

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**Objects of Prehistoric Interest August 1996**

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Description: Sixty sites have been recorded and the potential for additional sites is exceptionally high. Sites discovered to date include lithic scatters, 13 rockshelters (some w/storage cists and rock art), 1 pithouse village site and 1 structure (probably of Anasazi origin). Some of the rock art and rock shelter and 1 campsite are potentially eligible for nomination to the NRHP.

Location: North Escalante Canyons/The Gulch ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Friendship Cove Pictograph site nominated to NRHP. This site consists of a set of large Fremont style pictographs painted on the face of a large sandstone cliff.

Location: Phipps-Death Hollow ISA, eastern part

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Forty-four sites of diverse types have been recorded in the area. 14 rock art (petroglyph and pictographs sites (2 from Fremont culture), 1 Pit-house village site, lithic scatters of Paiute and Anasazi , and 6 rockshelters have been discovered. Potential for more sites is good.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Situated at the intersection of three major prehistoric cultures the Plateau has long been a magnet for archeological study. It has been recognized that the Kaiparowits Plateau might contain important clues that would aid in answering questions in the archeology of the Southwest.

Location: Kaiparowits Plateau

Source: Utah Wilderness Coalition. Wilderness at the Edge. p. 147 and Lister, Florence C., Kaiparowits Plateau and Glen Canyon prehistory, an interpretation based on ceramics, 1964

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Description: Fiftymile Mountain Archeological District contains more than 400 sites including Anasazi habitations and granaries. Important scientific value. Some of the most significant cultural resources in the Four Corners area. Archaeological District (47,325 acre) has been nominated to NRHP. Majority of sites are masonry structures (of 1-10 rooms). Most are of Virgin Anasazi origin but include sites attributed to Fremont, Hopi, and Paiute. Navaho are also expected of occupying the area. 4,000 total sites may be located in WSA.

Location: Fiftymile Mountain WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Sixty-five sites have been recorded. They include lithic and ceramic scatters, masonry structures

**Objects of Prehistoric Interest, August 1996 (Continued)**

(granaries and storage cists), one rock shelter. Masonry and some lithic/ceramic associated with Virgin Anasazi/Virgin-Kayenta Anasazi. Two are Pueblo II-III time period. Some sites are associated with Paiute-age or Archaic-age peoples. At least 8 sites in this area are eligible for nomination to the NRHP.

Location: Wahweap WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: High concentration of prehistoric sites. Although surveys are incomplete for the Warm Creek unit more than 600 sites have been found ranging from lithic scatters and campsites to rockshelters.

Location: Kaiparowits Plateau/Warm Creek unit

Source: BLM, Kaiparowits power project environmental impact statement, 1976

Description: Part of a larger area extensively used by the Kayenta Anasazi and later the Southern Paiute Indians. Site densities expected to be moderate to high.

Location: Kaiparowits Plateau/Squaw Canyon unit

Source: ERT, 1980, Kaiparowits coal development and transportation study, final report

Description: Prehistoric site densities are high on top of Nipple Bench. Sites represent Fremont, Virgin Anasazi and Kayenta Anasazi. The sites represent complex associations of features and artifacts and indicate permanent or extensive camps in rock shelters.

Location: Kaiparowits Plateau/Nipple Bench unit

Source: Fish, Paul, Preliminary Report Kaiparowits Power Project

Description: Six sites have been recorded. One is Pueblo II Anasazi occupation site, with others unidentified.

Location: Burning Hills WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: One hundred-five sites (primarily lithic scatters) have been recorded covering a broad period of occupation. Ten rockshelters w/storage cists or storage caches, 1 w/masonry room, 3 w/granaries associated with Anasazi or Fremont have been discovered. Additional sites include petroglyph and pictograph panels associated with shelter sites and 1 burial site.

Location: Carcass Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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**Objects of Prehistoric Interest, August 1996 (Continued)**

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Description: One hundred thirty-four documented sites represent virtually all known prehistoric cultures in southern UT (Archaic, Fremont, Anasazi, Southern Paiute). 8,000 years of prehistory are represented. The sites primarily represent temporary habitation by hunter gatherers.

Location: Death Ridge WSA

Source: BLM Utah Statewide Wilderness EIS, 1990, and Hauck, F.R., Cultural Resource Evaluation of South-Central Utah, 1977-1978

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Description: The area contains 41 recorded sites and based on surveys may contain exceptionally high densities of sites. Known sites include rockshelters, pit houses, lithic scatters, and masonry structures. Pictograph panels are in Deer Creek Canyon and petroglyphs are found in Snake Creek Canyon. A study located and estimated 612 sites per 23,000 acres, 564 potentially eligible for nomination to the NRHP (southern border of WSA). Another inventory estimated 360 sites per 23,000 acres at the northern border of the WSA.

Location: Paria-Hackberry WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Kayenta Pueblo culture inhabiting the Straight Cliff and portions of the Escalante River drainage between A.D. 1000 and 1200 were likely in contact with the Fremont culture. Although both inhabited the area at the same time and competed for limited agricultural lands there is no evidence of open conflict during this time. Some modifications of pottery making techniques between the two cultures indicates that there was trade and exchange between them. Little is known positively about the Kayenta culture, and additional research in this area could provide valuable insight on interactions between the two cultures.

Location: Straight Cliffs WSA

Source: Lister, Kaiparowits Plateau and Glen Canyon Prehistory: An interpretation based on ceramics, 1964.

Objects of Historic Interest, August 1996

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Description: Dance Hall Rock/Hole-in-the-Rock Trail. While the Hole-in-the-Rock Trail was under construction in 1879, Mormon Pioneers camped at Fortymile Spring and held meetings and dances in the shelter of Dance Hall Rock. Designated historical site by DOI 1970.

Location: Two miles west of the Glen Canyon NRA on the Hole in the Rock Trail

Source: Utah Wilderness Coalition. Wilderness at the Edge. - p. 182

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Description: Historic route constructed in 1879 to provide access from Escalante to areas on the opposite side of the San Juan River in Southeast Utah

Location: Historic trail running from Escalante to Hole in the Rock in Glen Canyon NRA

Source: Lambrechtsc. Rudi. Hiking the Escalante, 1985

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Description: Boulder Mail Trail. Used to carry mail between Escalante and Boulder beginning in 1902. Much of trail still visible where necessary to construct through slickrock. Nominated to NRHP. Popular backpacking route.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Boynton Road. Constructed 1909 as short cut between Escalante and Salt Gulch. Abandoned after 2 years because of flooding. Visible over approx 9 of its 10 miles.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Escalante-Boulder telephone line: First Boulder-Escalante telephone line constructed by Forest Service in 1911 providing first phone service to area. Still visible between Antone Flat and Sand Creek.

Location: Phipps-Death Hollow ISA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Washington Phipps grave. A historical grave site of an early pioneer shot in 1878 in a dispute with his partner John Boynton. Provided the namesake for the area.

Location: Phipps Death Hollow

Source: Lambrechtsc. Rudi. Hiking the Escalante, 1985

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**Objects of Historic Interest, August 1996 (Continued)**

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Description: Old Boulder Road. Main route between Escalante and Boulder until the CCC built Hell's Backbone Road and Highway 12 in 1930's to replace it.

Location: Phipps-Death Hollow WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: The Hattie Green mine, an early copper working located on the crest of The Cockscomb.

Location: The Cockscomb WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Old Paria Townsite was established in 1874 on the bench above the eastern bank of the Paria River by Mormon settlers who attempted to farm the bottomlands. Site was abandoned in 1890.

Location: adjacent to Paria-Hackberry WSA

Source: Abby, Edward and Hyde, Philip. Slickrock p.46

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Description: Old Paria Townsite movie set. Built in the 1960's to film several movies. Now abandoned but still a popular recreation destination.

Location: adjacent to Paria-Hackberry WSA

Source: Abby, Edward and Hyde, Philip. Slickrock p.46

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**Objects of Biological Interest, August 1996**

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Description: Riparian zones are corridors for many of the region's species, including neotropical migrant birds. The corridors (including the Escalante, and Paria Rivers and Johnson Creek and their tributaries) bisect the region north to south, allowing for exchange of individuals among different animal populations. The importance of movement corridors to the long term viability of animal populations is of great scientific and management interest. This area would afford many opportunities to enhance this ecological issue.

Location: Entire monument proposal including the Escalante area, Kaiparowits Plateau, and areas west to Kanab including the Escalante, Paria rivers and Johnson Creek

Source: Edwards, Tom, 1996; Knopf, 1985; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

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Description: 25 miles of riparian corridor in unit. Connects mountains to desert lowlands. Has great concentration of hanging gardens and riparian vegetation, including relictual populations in canyon bottoms. Also supports many rock crevice communities. Connects other protected areas. High plant endemism, due to large extent of parent material exposure.

Location: Escalante River

Source: BLM Wilderness EIS; Knopf, 1985; Shulz, 1993; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

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Description: Riparian corridor links high country to lowland desert scrub. Connects protected areas. Has high concentrations of isolated communities: hanging garden, rock crevice and canyon bottom communities. Also has an abundance of packrat middens.

Location: Paria River

Source: Van Devender and Spaulding, 1979; BLM Wilderness EIS; Knopf, 1985; Shulz, 1993; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

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Description: Fifty miles of perennial streams including the Paria River (which is a wild and scenic river inventory segment). Riparian vegetation covers 500 acres.

### Objects of Biological Interest

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**Description:** 25 miles of riparian corridor in unit. Connects mountains to desert lowlands. Has great concentration of hanging gardens and riparian vegetation, including relictual populations in canyon bottoms. Also supports many rock crevice communities. Connects other protected areas. High plant endemism, due to large extent of parent material exposure.

**Location:** Escalante River

**Source:** BLM Wilderness EIS; Knopf, 1985; Shulz, 1993; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

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**Location:** Paria River

**Source:** Van Devender and Spaulding, 1979; BLM Wilderness EIS; Knopf, 1985; Shulz, 1993; Armbruster and Lande 1993; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Fahrig and Merriam, 1985; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

**Description:** Fifty miles of perennial streams including the Paria River (which is a wild and scenic river inventory segment). Riparian vegetation covers 500 acres.

**Location:** Paria-Hackberry WSA

**Source:** Utah BLM Statewide Final Wilderness EIS, 1990

Description: Three major floras meet in this area. Plants from the Mojave, Arizona deserts and northern Utah are all found here, with a few species from the Great Plains. The Colorado Plateau is surrounded by high mountains, isolating the flora and fauna. Unlike many ecosystems, the plant density, diversity and stature within the monument is determined more by substrate than climate. Consequently, isolation, plus the great diversity of substrates (providing a wide range of soil chemistry and physical characteristics) found within close proximity to each other has resulted in a high level of plant endemism in this area. Eleven species found in the monument are found nowhere else in the world. Of plants that occur only in Utah or on the Colorado Plateau, 125 species occur in the monument. The Canyonlands portion of the Colorado Plateau, much of which is contained in the monument, is considered the richest floristic region in the Intermountain West, and contains 50% of Utah's rare and endemic plants. 90% of these rare and endemic species are found on substrates typical of most of the monument. Of the Canyonlands area, the monument area is considered one of the most significant for endemic populations, with more than 10% of the flora being found nowhere else.

Of additional significance is that many of the plants in the monument are diploid species. This means they represent the basic genetic stock from which polyploid species in the area evolved. This makes this area of great significance to plant evolutionary biologists and provides a unique opportunity to study the evolution and speciation of plant species, as well as the structure and dynamics of plant communities, independent of climate.

Location: Entire monument

Source: Kaiparowits Power Project EIS; Axelrod, 1960; Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988; Dott, 1996; Shreve, 1942; Cronquist et al., 1977; Utah Natural Heritage Program plant database

Description: The Colorado Plateau was uplifted and downcut without deformation. As a consequence, large areas of unmixed geologic parent materials are exposed, and plants must adapt to large array of highly distinct parent materials. These substrates are sharply demarcated, and often occur within a few meters of each other. This situation offers the unique opportunity to examine the role of soil physical and chemical characteristics in determining plant and animal community structure independent of climatic variables, an important ecological question. It also results in different plant community structure and dynamics than is generally observed in other ecosystems. This area contains shales, siltstones, mudstones, sandstones and limestone of differing depths, and deposited in a variety of environments (marine, freshwater and eolian). Each soil depth and depositional environment has very different chemical and physical characteristics. As a result, there is a great diversity of substrates in this area, each supporting a unique plant community.

Location: Entire monument

Source: Hintze, 1988; Nabhen and Wilson, 1996; Gross, 1987; Dott, 1996; Roberts, 1987

Description: The presence of steep elevational gradients gives the opportunity to sort out the role of temperature and precipitation in structuring plant and animal communities. Elevational gradients have traditionally been used by scientists as a way of examining factors controlling biotic community structure. Juxtaposition of diverse substrates and elevational gradients gives an unparalleled opportunity to determine the respective roles of soil chemistry, physical characteristics, elevation, rainfall and temperature in structuring biotic communities. In addition, it allows for high biodiversity in a small area.

Location: Entire monument

Source: Kaiparowits Power Project EIS; Axelrod, 1960; Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988; Dott, 1996; Shreve, 1942; Cronquist et al., 1977.

Description: The Escalante Plateau is the home to approximately 300 species of amphibians, birds, mammals, and reptiles. This diverse set of wildlife species includes over 20 species of birds of prey including the bald eagle, peregrine falcon, and was the historical range of the condor. The region contains 2 of the 7 recognized centers of endemism for fishes of the western United States.

Location: Escalante Plateau

Source: Davidson et al. 1996; Tom Edwards, 1996; Behnke, R.J., and Zar, M., 1976

Description: Contains many different geologic substrates (therefore soils with different physical and chemical attributes) in a small area. The majority of endemic in Utah are found on these particular substrates; consequently, this area is expected to have a high concentration of endemics.

Location: Escalante -along boundary of Glen Canyon NRA and Capital Reef National Park

Source: Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988

Description: Large expanses of fine-textured soils (Morrison, Mancos/Tropic) shales support large number of endemic plant species, fossils.

Location: Henrieville to Escalante

Source: Hintze, 1988; Shulz, 1993; BLM Wilderness EIS

Description: An exposed monocline with many soils/substrates in close juxtaposition provides tremendous biodiversity of both general and endemic flora. High salt content of stream provides habitat for salt-tolerated riparian plants. Provides a elevational gradient from ponderosa pine to desert scrub. In addition, the rocky substrate has provided refugia for many Arcto-Tertiary plants, providing a unique opportunity to examine the effects of ancient floral presence in the structuring of present-day plant communities. This area also supports a very high diversity of both general and endemic flora.

Location: The Cockscomb

Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996;

Description: Contains a concentration of many different geologic substrates/soils with different physical and chemical attributes. This area has a high concentration of endemics. This boundary also abuts protected areas (Glen Canyon, Capitol Reef), thereby effectively increasing the value of all three areas for biological conservation. In addition, the Waterpocket Fold has isolated two outcrops of the same parent material. These two areas now support different floras. This presents an outstanding scientific opportunity to explore processes of speciation.

Location: Far eastern boundary

Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996; Airbruster and Lande, 1993; Fahrig and Merriam, 1985; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al., 1996; Diamond,

**Objects of Biological Interest, August 1996 (Continued)**

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Location: Entire monument

Source: Kaiparwits Power Project EIS; Axelrod, 1960; Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988; Dott, 1996; Shreve, 1942; Cronquist et al., 1977

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Location: Escalante Plateau

Source: Davidson et al. 1996; Tom Edwards, 1996, Behnke, R.J., and Zar, M., 1976

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Location: Escalante -along boundary of Glen Canyon NRA and Capital Reef National Park

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Source: Utah Natural Heritage Program plant database; Nabhen and Wilson, 1996; Shulz, 1993; Albee et al., 1988; Welsh, 1974; Welsh et al. 1975; Hintze, 1988

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Description: Large expanses of fine-textured soils (Morrison, Mancos/Tropic) shales support large number of endemic plant species, fossils.

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Location: Henrieville to Escalante

Source: Hintze, 1988; Shulz, 1993; BLM Wilderness EIS

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Description: An exposed monocline with many soils/substrates in close juxtaposition provides tremendous biodiversity of both general and endemic flora. High salt content of stream provides habitat for salt-tolerated riparian plants. Provides a elevational gradient from ponderosa pine to desert scrub. In addition, the rocky substrate has provided refugia for many Arcto-Tertiary plants, providing a unique opportunity to examine the effects of ancient floral presence in the structuring of present-day plant communities. This area also supports a very high diversity of both general and endemic flora.

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Location: The Cockscomb

**Objects of Biological Interest, August 1996 (Continued)**

Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996;

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Description: Contains a concentration of many different geologic substrates/soils with different physical and chemical attributes. This area has a high concentration of endemics. This boundary also abuts protected areas (Glen Canyon, Capitol Reef), thereby effectively increasing the value of all three areas for biological conservation. In addition, the Waterpocket Fold has isolated two outcrops of the same parent material. These two areas now support different floras. This presents an outstanding scientific opportunity to explore processes of speciation.

Location: Far eastern boundary

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Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996; Ambrosius and Lande, 1993; Fahrig and Merriam, 1985; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Meffe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

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Description: This is an exposed monocline. Consequently, many substrates (Summerville, Morrison, Dakotz, Tropic, Entrada, Navajo, Wingate and Carmel) are exposed directly next to each other, providing an opportunity for studies of ecological processes independent of climate. This monocline also has an elevational gradient, facilitating the study of effects of temperature and moisture on community dynamics. In addition, the rocky substrate has provided refugia for many Arcto-Tertiary plants, providing a unique opportunity to examine the effects of ancient floral presence in the structuring of present-day plant communities. This area also supports a very high diversity of both general and endemic flora.

Location: Straight Cliffs area

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Source: Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978.

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Description: Diversity of plant life ranging from low desert shrub to Ponderosa Pine (less than 1 mile apart) enhances the study and observation of ecology. 3 small stands of Ponderosa pine in Alvey Wash.

Location: Death Ridge WSA

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Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Contained within the monument are 3-5 spatially separated areas where the same substrates are exposed in close proximity to each other. In addition, there are 5 elevational gradients along riparian corridors. This is critical for replicated scientific work to be conducted.

Location: Entire monument

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Source: Hintze, 1988; USGS Topographical Maps

**Objects of Biological Interest, August 1996 (Continued)**


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Description: Riparian corridor with elevational gradient, connecting desert low lands to the high country. Vermillion, White, Pink Cliffs (Triassic, Jurassic, Cretaceous material).

Location: Johnson's Creek

Source: Hintze, 1988; USGS Topographical Maps; Beier, 1993; Noss, 1992, 1993

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Description: Fifty Mile Mountain. Presence of aspen on Pleasant Grove, Steer Canyon, and Pinto Mare Canyons.

Location: Fifty Mile Mountain WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

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Description: Protects lands at low elevation sites frequently rich in species diversity. The range of elevation in these areas from approximately 4500-8300 feet encompasses a wide variation in elevation and will capture the full diversity of plant and animal species in the region.

Location: Entire monument proposal including the Escalante area, Kaiparowits Plateau, and areas west to Kanab

Source: Hintze, 1988; Utah BLM Final Wilderness EIS, 1990

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Description: The monument contains an abundance of hanging gardens, tinajas, canyon bottom, dunal pockets, salt-pocket and rock crevice communities. These small, isolated populations often contain unusual, often relictual plants and animals. Hanging gardens and canyon bottom communities harbor riparian plants and their pollinators, as well as unique vertebrates (bats and small mammals) and soil fauna. Tinajas are important aquatic resources, and contain a diverse array of tadpole, fairy and clam shrimp, amphibians, algae, water beetles, other crustaceans, snails, mosquito and gnat larvae and aquatic/riparian plants. Highly saline areas are found around many seeps and streams, and consist of plants and animals adapted to highly saline conditions. Dunal pockets contain species adapted to shifting sands, while rock crevice communities consist mostly of slow-growing species that can thrive in extremely infertile sites. These communities offer a chance to examine gene flow dynamics, and to distinguish the respective role of pollen versus seeds. They offer an opportunity to study ground water flow dynamics in the absence of significant fluvial processes, and island biogeography of plants, pollinators and ground-dwelling biota. They also are highly simplified, discrete ecosystems, making them ideal for elucidating basic ecosystem processes.

Location: Entire monument

Source: Nabhan and Wilson, 1996; Harper et al., 1994; Welsh et al., 1993; May et al., 1995; Fowler et al., 1995; Graff, 1988

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Description: These canyons provide a high concentration of isolated, unique plant and invertebrate communities: hanging garden, rock crevice, and canyon bottom communities. Many relictual plant species can be found in these communities. Pack rat middens are abundant, providing paleoclimate and paleo-vegetation information.

**Objects of Biological Interest, August 1996 (Continued)**

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**Location:** Escalante Canyons

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**Source:** Axelrod, 1960; BLM Wilderness EIS; Van Devender and Spaulding, 1979; Fowler et al., 1995; Nabhen and Wilson, 1996

**Description:** Dunal pockets contribute Great Plains species to the flora. These are unique, isolated plant communities.

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**Location:** Cockscomb to Kaiparowits

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**Source:** Hintze, 1988

**Description:** Unique, isolated communities are located throughout the monument. These include hanging gardens, tinajas, canyon bottom, dunal pocket, salt pocket and rock crevice communities. They provide great opportunities for examining evolution, gene flow, island biogeography and other ecological principles.

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**Location:** Entire monument

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**Source:** Case and Cody, 1988; Diamond, 1981; Dott, 1996; Harris, 1984; Ludwig and Whitford, 1981; Fowler et al., 1995; Nabhen and Wilson, 1996; Roberts, 1987; Reice, 1994; Axelrod, 1960

**Description:** Biological conservation theory and literature suggests that large contiguous conservation areas increase both extent and probability of population survival, increases protection of migratory pathways, and is the most effective means of conserving aquatic and riparian communities.

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**Location:** Entire monument

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**Source:** Soule, 1987; Davidson et al., 1996; Miller, 1961; Minckley and Deacon, 1968; Armbruster and Lande, 1993; Fahrig and Merriam, 1985; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson et al. 1996; Diamond, 1981; Frankel and Soulé, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Messe and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

**Description:** The connection with Glen Canyon provides a larger protected area. It also provides low desert vegetation as part of the vegetational gradients. Large areas are important for maintaining the evolutionary potential of plants and animals, allowing for the exchange of genetic material among the separate populations that constitute a population.

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**Location:** Common boundaries and riparian connections with Glen Canyon NRA, Capitol Reef NP, Box Hollow Wilderness and Paria Wilderness

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**Source:** Hintze, 1988; Shulz, 1993; Albee et al., 1988; Axelrod, 1960; Welsh, 1978; Stevens, 1992; Dott, 1996; Armbruster and Lande, 1993; Fahrig and Merriam, 1985; Beier, 1993; Belovsky, 1987; Brown, 1971; Davidson

**Objects of Biological Interest, August 1996 (Continued)**

et al. 1996; Diamond, 1981; Frankel and Soule, 1981; Harris and Gallagher, 1989; Heaney, 1984; IUCN, 1978; Kushlan, 1979; Lomolino and Channell, 1995; Neff and Carroll, 1994; Newmark, 1995; Noss, 1993; Patterson, 1984; Pickett and Thompson, 1978; Primack, 1993; Saunders et al., 1991; Shaffer, 1981; Soule, 1987; Soule and Wilcox, 1980; Wegner and Merriam, 1979; Wilcove et al., 1986; Willis, 1974.

**Description:** Cryptobiotic soil crusts are critical for soil stability, nutrient availability for vascular plants and normal soil surface temperatures. These crusts are extremely fragile and easily disrupted by soil surface disturbances such as trampling or off-road vehicles. Since the soils in the monument are highly susceptible to erosion, it is important that these biocrusts be protected so they stabilize these erodible soil surfaces. In addition, these ecosystems have few nitrogen-fixing plants. Since these crusts provide nitrogen to these soils, they are a critical part of these nitrogen-limited ecosystems.

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**Location:** Entire monument

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**Source:** Belnap, 1994, 1995; Belnap and Harper, 1995; Belnap et al., 1994; Jefferies, 1989; Harper and Marble, 1988; Johansen, 1993; Mack and Thompson, 1978; Fleischner, 1994

**Description:** Disturbance of most soil surfaces in the monument area will result in soil surface temperature changes, as bio-crusted surfaces are darker than the substrates underneath them. The expected lowering of temperature with disturbance would result in cooler soil temperatures, and thus later spring plant germination and lower nutrient uptake rates. This may adversely effect desert plant growth in early spring. Surface temperatures also influence foraging and burrowing patterns for many soil invertebrates, and many effect community dynamics of these species.

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**Location:** Entire monument

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**Source:** Ludwig and Whitford 1981; Belnap 1995

**Description:** Ecosystems in this area are some of the most stable documented to date, as both large and small scale disturbances are limited spatially and temporally. Very little of this area was glaciated in the Pleistocene. Most plant communities evolved without fire or grazing by large ungulate herds, as evidenced by characteristics of the soils and the flora. Catastrophic events are minimal, with the exception of wash bottoms. Microsite disturbances are minimal as well, as most soils support very low populations of invertebrates. 1880 photos repeated in 1990 show many sites virtually unchanged, with the same tree, shrub and grass individuals present, indicating very low species turnover rates in this region relative to other ecosystems. In addition, dead tree branches can still be found in virtually the same condition as they were 100 years ago, indicating plant tissue decomposition rates are extremely low in this region. This makes this area highly unique, as most ecosystems are believed to be structured disturbance. In this region, ecological processes can be studied independent of the effects of disturbance to give us greater insight into their functioning (i.e. factors controlling exotic plant invasions, species-species interactions, etc.)

Soil physical, chemical and biological features appear to be both easily damaged (low resistance) by surface disturbance and have very slow recovery rates (low resilience) when compared to other deserts or more mesic systems. This may be a result of evolution of this ecosystem evolving in the relative absence of disturbance (Belnap 1995, 1996). Therefore, this area is important in the study of how disturbance influences community dynamics, including species-species interactions, and for understanding how to restore these fragile systems. This also means that this area is highly susceptible to damage by different land uses, including recreation and grazing.

**Objects of Biological Interest, August 1996 (Continued)**

Location: Entire monument

Source: Belnap, 1995, 1996; Belnap et al., 1994; Mack and Thompson, 1982; Fleischner, 1994; Kleiner and Harper 1972; Harper et al., 1994; Webb, 1994; Rogers, 1982; Pickett and White, 1985; Moldenke, 1995; Evans and Ehleringer, 1993; Turner et al. 1993; Iverson et al. 1981; Webb and Wilshire 1981; Larsen 1996; Bowers et al. 1994

Description: Isolation of this area has resulted in minimal human impacts. Many of the ecosystems found in this area have received little, if any, human use and the type and extent of disturbance has that has occurred is known. In addition, there are large areas unbroken by roads. This is essential to the protection and conservation of plant and animal species.

Location: Entire monument

Source: Wilcox et al 1986; Wilcox and Murphy 1985; Mader et al., 1990; Osley, et al., 1974; Rost and Bailey, 1979; Wilmer and Calesta, 1985

Description: The monument lacks any areas that have been invaded to any large extent by exotic species. There are few such areas in the Intermountain West, and they can provide invaluable information in understanding the ecology and dynamics of exotic plant invasion. These areas aid scientists in understanding what makes systems resistant to such invasions, and thus help land managers predict what areas are susceptible to invasion and restore already-invaded regions.

Location: Entire monument

Source: Billings, 1994; Fleischner, 1994; Forcella and Harvey, 1983; Gross, 1987; Hunter, 1990; Loope et al., 1988; MacMahon, 1987; Pellatt and Hall, 1994

Description: Six threatened or endangered candidate species are located within or near this area.

Location: Wahweap WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Contains Peregrine falcon (endangered) and 6 special status animal species and 5 special status plant species.

Location: Mud Spring WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Habitat for Swainson's hawk, golden eagle (Sensitive) and peregrine falcon (endangered).

Objects of Biological Interest, August 1996 (Continued)

Location: The Blues WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Peregrine falcon and bald eagle (endangered). 8 animal and 5 plant species of special status.

Location: Paria-Hackberry and Cockscomb WSA and Wahweap WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Thirteen species of raptors are known or suspected of nesting in the WSA

Location: Burning Hills WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Relict plant community in the upper part of Dry Valley "probably possesses important scientific values"

Location: Mud Spring Canyon WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: Unique relict plant community of piñon-juniper and sagebrush-grass park vegetation accessible only by a steep trail. One of the few remaining unaltered plant communities in Utah. No Man's Mesa RNA was designated as an ACEC in 1986. Such areas are invaluable to science. They provide restoration and management goals for administration of lands. Such areas are also critical to scientists who are trying to understand the natural functioning of ecosystems. Grasslands are especially valuable, as almost all have been heavily grazed for over a century.

Location: Paria-Hackberry WSA (No Man's Mesa and Little No Man's Mesa)

Source: Utah BLM Statewide Final Wilderness EIS, 1990 and Kleiner and Harper, 1972

Description: Four Mile Bench Old Tree Area. Unique area of extremely old (1,400 years) piñon and juniper trees. Unique scientific values on over 1,000 acres!

Location: Wahweap WSA

Source: Utah BLM Statewide Final Wilderness EIS, 1990

Description: This region is at the northern end of areas that receive summer monsoonal rains, and is at the southern end of areas that depends on winter rains. This distinction is very important to the physiological

**Objects of Biological Interest, August 1996 (Continued)**

functioning of plants in this moisture-limited areas, as even minor changes in temperature and/or rainfall may lead to major differences in water availability, and consequently, plant metabolic processes. Climate change is expected to alter both rainfall timing and amount, as well as temperature. This, in turn, would alter plant physiology, water use patterns and community composition in this region, making the monument an excellent place for studying global climate change.

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Location: Entire monument

Sources: Ayyad 1981; Graft 1988; Van Devender and Spaulding 1979; Wagner 1981

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Description: Unlike most deserts that are primarily depositional environments, the CP is an erosional one (Welsh 1979; Nat Hist). This contributes to high endemism, as substrate material is not mixed. In addition, it makes this region highly susceptible to soil loss when surfaces are disturbed. This soil loss has a negative impact on plant and aquatic communities, as well as dam sediment loads.

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Location: Entire monument

Source: Welsh, 1979; Harper et al., 1994

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Description: The effects of scaling up and down are not known for many ecological processes. The multitude of variably sized, discrete watersheds found in this area offer a unique opportunity to test the effects of scaling for hydrological and biological processes. In addition, the close spacing of these watersheds offers a chance to separate the effects of area *per se* from other environmental factors on community structure.

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Location: Entire monument

Source: Allen and Hockstra 1987; Reice 1994; Pickett and White 1985; Rosenweig 1985

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Description: Semi-arid and arid lands of the western United States are highly susceptible to desertification. The lack of natural disturbance in much of this area offers the opportunity to study the effects of different types and levels of land use and to better understand the steps leading to desertification.

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Location: Entire monument

Source: Dregne, 1983

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Description: This area contains few exotic plants. Having this resource gives the opportunity to better understand what factors inhibit or facilitate exotic plant invasions. Roads have been heavily implicated in facilitating exotic plant invasion, while intact Cryptobiotic soil crusts and less favorable soil chemistry may inhibit such an invasion. Invasion could fundamentally alter these communities, by altering species composition, community dynamics and fire cycles.

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Location: Entire monument

Source: Monsen and Kitchen, 1994; Kelly 1996; Harper and Marble 1988; Davidson et al. 1996

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**Objects of Biological Interest, August 1996 (Continued)**

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Description: Quaternary resources are abundant in the monument. Pack rat middens enable reconstruction of paleoclimates and paleo-vegetation, while Pleistocene animal remains found in alcoves.

Location: Entire monument

Source: Harper et al., 1994

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Description: Unlike more mesic ecosystems, there is little evidence that desert communities demonstrate traditional successional sequences. There is little or no modification of soils or other site characteristics by previous-occurring plants. Understanding of this is important for restoration efforts. The monument offers an excellent opportunity to study this phenomenon independent of climate and disturbance factors.

Location: Entire monument

Source: Barbour, 1981; MacMahon, 1987; Shreve, 1942; Dott, 1996

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Description: Peregrine Falcon and Bald Eagle use these areas. Areas are habitat for 7 plant and 9 animal species considered sensitive.

Location: Death Ridge and Fifty Mile Mountain WSAs

Source: Utah Statewide Wilderness Study Report, 1991

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Description: Peregrine Falcon and Bald Eagle use these areas. Areas are habitat for 8 plant and 7 animal species considered sensitive.

Location: Phipps Death Hollow ISA and Steep Creek WSA

Source: Utah Statewide Wilderness Study Report, 1991

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Description: Peregrine Falcon and Bald Eagle use these areas. Areas are habitat for 9 plant and 7 animal species considered sensitive.

Location: North Escalante Canyon, The Gulch and Carcass Canyon WSAs

Source: Utah Statewide Wilderness Study Report, 1991

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## Exhibit -- C

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Grand Staircase - Escalante National Monument**

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## MONUMENTS ESTABLISHED BY PRESIDENTIAL PROCLAMATION

Exhibit - D

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History, Current Status	President
1. Devil's Tower, WY. Proc. No. 658 (Sept. 24, 1906), Stat. 3236	"lofty and isolated rock ... such an extraordinary example of the effect of wind erosion in the higher mountains as to be a natural wonder and an object of historic and scientific interest" (Proc. No. 658)	"natural wonder and an object of historic and scientific interest" (Proc. No. 658)	1,193.91 acres	Boundary enlarged by Act of August 9, 1955, 69 Stat. 575. Now a National Monument (NM) of 1346.91 acres.	T. Roosevelt
2. El Morro, NM. Proc. No. 695 (Dec. 8, 1906), 34 Stat. 3264	"the rocks known as El Morro and Inscription Rock ... of greatest historical value" (Proc. No. 695)	"greatest historical value" (Proc. No. 695); "ruins of archaeological value" (Proc. No. 1377)	160 acres	Boundary enlarged by Proc. No. 1377 (June 18, 1917), 40 Stat. 1673; Act of June 14, 1950, 64 Stat. 211. Now a NM of 1039.92 acres.	T. Roosevelt
3. Montezuma Castle, AZ. Proc. No. 696 (Dec. 8, 1906). 34 Stat. 3265	"prehistoric object know as Montezuma's Castle ... of the greatest ethnological value and scientific interest" (Proc. No. 696); "prehistoric ruins and ancient cliff dwellings ... of great interest to the public" (Proc. No. 2226)	"greatest ethnological and scientific interest" (Proc. No. 696).	161.39 acres	Boundary enlarged by Proc. No. 2226 (Feb. 23, 1937), 50 Stat. 1817; Act of Oct. 19, 1943, 57 Stat. 572 (adding a "detached unit"); Act of June 23, 1959, 73 Stat. 108; Act of Nov. 10, 1978, 92 Stat. 3474. Now a NM of 840.86 acres.	T. Roosevelt, F.D. Roosevelt
4. Petrified Forest, AZ. Proc. No. 697 (Dec. 8, 1906), 34 Stat. 3266	"mineralized remains of Mesozoic forests" (Proc. No. 697)	"greatest scientific interest and value" (Proc. No. 697); "additional features of scenic and scientific interest" (Proc. Nos. 1927, 1975, 2011).	60,776.02 acres	Boundary reduced by Proc. No. 1167 (July 31, 1911), 37 Stat. 1716; boundary enlarged by Proc. No. 1927 (Nov. 14, 1930), 46 Stat. 3040; Proc. No. 1975 (Nov. 30, 1931), 47 Stat. 2486; Proc. No. 2011 (Sept. 23, 1932), 47 Stat. 2532; Act of March	T. Roosevelt, Wm. H. Taft, Herbert Hoover

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<u>Monument</u>	<u>Specific Object(s)</u>	<u>Categorical Object(s)</u>	<u>Initial Reservation</u>	<u>Subsequent History/ Current Status</u>	<u>President</u>
5. Chaco Canyon, NM. Proc. No. 740 (March 11, 1907), 35 Stat. 2119	"extensive prehistoric communal or pueblo ruins ... of extraordinary interest because of their number and their great size and because of the innumerable and valuable relics of a prehistoric people which they contain" (Proc. No. 740)		10,643.13 acres	28, 1958, 72 Stat. 69. Now National Park of 93,492.57 acres; Act of March 28, 1958, 72 Stat. 69 (codified at 16 U.S.C. § 119), Park established Dec. 9, 1962 (wilderness designated, Act of October 23, 1970, 84 Stat. 1105).	T. Roosevelt, Calvin Coolidge
6. Cinder Cone, CA. Proc. No. 753 (May 6, 1907), 35 Stat. 2131	"the elevation ... known as Cinder Cone, and the adjacent area embracing a lava field and Snag Lake and Lake Bidwell ... of great scientific interest, as illustrations of volcanic activity which are of special importance in tracing the history of the volcanic phenomena of that vicinity" (Proc. No. 1907)	"great scientific interest" (Proc. No. 1970)	5,120.00 acres	Boundary enlarged by Proc. No. 1826 (Jan. 10, 1928), 45 Stat. 2937. Redesignated and renamed Chaco Culture National Historic Park (NHP) by the Act of Dec. 19, 1980, 94 Stat. 3221, 3227. Now a NHP of 31,084.74 acres.	T. Roosevelt
7. Lassen Peak, CA. Proc. No. 754 (May 6,	"Lassen Peak ... marks the southern terminus of the long		1,280.00 acres	Now Lassen Volcanic NP, 106,366.70 acres; Act of Aug. 9, 1916, 39 Stat. 442 (codified at 16 U.S.C. §§ 201 et seq.) (several boundary changes; wilderness designated, Act of Oct. 19, 1972, 86 Stat. 918).	T. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
1907), 35 Stat. 2132	line of extinct volcanoes in the Cascade Range from which one of the greatest volcanic fields in the world extends, and is of special importance in tracing the history of the volcanic phenomena of that vicinity" (Proc. No. 754)			442 (codified at 16 U.S.C. §§ 201 et seq.) (several boundary changes; wilderness designated, Act of Oct. 19, 1972, 86 Stat. 918).	
8. Gila Cliff Dwellings, NM. Proc. No. 781 (Nov. 16, 1907), 35 Stat. 2162	"group of cliff-dwellings ... of exceptional scientific and educational interest, being the best representative of the Cliff-Dwellers' remains of that region" (Proc. No. 781); "additional cliff-dwellings and pit-house sites ... needed to round out the interpretive story" (Proc. No. 3467)	"exceptional scientific and educational interest" (Proc. No. 781)	160.00	Transferred from NFS to NPS, Aug. 10, 1933; boundary increase -Proc. No. 3467 (April 17, 1962), 76 Stat. 1465; NFS resumed administration, April 28, 1975. Now a NM of 533.13 acres.	T. Roosevelt, John F. Kennedy
9. Tonto, AZ. Proc. No. 787 (Dec. 19, 1907), 35 Stat. 2168	"two prehistoric ruins of ancient cliff dwellings ... of great ethnologic, scientific and educational interest" (Proc. No. 787)	"great ethnologic, scientific and educational interest" (Proc. No. 787)	640 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary increased by Proc. No. 2230 (April 1, 1937), 50 Stat. 1825. Now NM of 1120.00 acres.	T. Roosevelt, F.D. Roosevelt
10. Muir Woods, CA. Proc. No. 793 (Jan. 9, 1908), 35 Stat. 2174	"an extensive growth of redwood trees ( <i>Sequoia sempervirens</i> ) ... of extraordinary scientific interest	"extraordinary scientific interest and importance" (Proc. No. 793)	295 acres	Boundary enlarged by Proc. No. 1608 (Sept. 22, 1921), 42 Stat. 2249; Proc. No. 2122 (April 5, 1935), 49 Stat. 343; Proc. No. 2932 (June 26, 1951).	T. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
11. Grand Canyon "I," AZ. Proc. No. 794 (Jan. 11, 1908), 35 Stat. 2175	and importance because of the primeval character of the forest in which it is located, and of the character, age and size of the trees" (Proc. No. 793)	"an object of unusual scientific interest, being the greatest eroded canyon within the United States" (Proc. No. 794)	808,120 acres	65 Stat. c20; Proc. No. 3311 (Sept. 8, 1959), 73 Stat. c76; Act of April 11, 1972, 86 Stat. 120. Now NM of 522.98 acres.	T. Roosevelt
12. Pinnacles, CA. Proc. No. 796 (Jan. 16, 1908), 35 Stat. 2177	"the natural formations known as the Pinnacles Rocks, with a series of caves underlying them ... of scientific interest" (Proc. No. 796)	"natural formations ... of scientific interest"; "additional features of scientific and educational interest" (Proc. No. 796)	1,320.00 acres	Now part of Grand Canyon NP, 1,180,617.78 acres; Act of Feb. 26, 1919, 40 Stat. 1175 (codified at 16 U.S.C. §§ 221 <i>et seq.</i> ) (subsequent boundary changes; establishment of Grand Canyon "II" NM, Proc. No. 2022 (Dec. 22, 1932), 47 Stat. 2547; Marble Canyon NM, Proc. No. 3889 (Jan. 20, 1969), 83 Stat. 924; Grand Canyon NP, Act of Jan. 3, 1975, 33 Stat. 2089, incorporating original Grand Canyon NP, Grand Canyon "II" NM, Marble Canyon NM, and portions of Glen Canyon and Lake Mead National Recreation Areas).	T. Roosevelt, Warren G. Harding, Calvin Coolidge, Herbert Hoover, F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
13. Jewel Cave, SD. Proc. No. 799 (Feb. 7, 1908), 35 Stat. 2180	"the natural formation, known as the Jewel Cave ... of scientific interest" (Proc. No. 799); "significant caverns and other geological features" (Act of Oct. 9, 1965)	"natural formation ... of scientific interest" (Proc. No. 799); "geological features" (Act of Oct. 9, 1965)	1,274.56 acres	2692; wilderness designated, Act of Oct. 20, 1976, 90 Stat. 2692. Now NM of 16,254.62 acres.  Transferred from NFS to NPS, Aug. 10, 1933; boundary enlarged by the Act of Oct. 9, 1965, 79 stat. 971. Now NM of 1274.56 acres.	T. Roosevelt
14. Natural Bridges, UT. Proc. No. 804 (April 16, 1908), 35 Stat. 2183	"a number of natural bridges ... having heights more lofty and spans far greater than any heretofore known to exist ... of the greatest scientific interest ... extraordinary examples of stream erosion" (Proc. No. 804); "prehistoric cave springs" (Proc. No. 881); "additional cliff-type prehistoric Indian ruins" (Proc. No. 3486)	"greatest scientific interest" (Proc. No. 804)	120.00 acres	Boundary enlarged - Proc. No. 881 (Sept. 25, 1909), 36 Stat. 2502; Proc. No. 1323 (Feb. 11, 1916), 39 Stat. 1764; Proc. No. 3486 (Aug. 14, 1962), 76 Stat. 1495. Now NM of 7,636.49 acres.	T. Roosevelt, Wm. H. Taft, Woodrow Wilson, John F. Kennedy
15. Lewis & Clark, MT Proc. No. 807 (May 11, 1908), 35 Stat. 2187.	"an extraordinary limestone cavern ... of great scientific interest" (Proc. No. 807).		160 acres	Location confirmed - Proc. No. 1123 (May 16, 1911), 37 Stat. 1679. Now abolished by Act of Aug. 24, 1937, 50 Stat. 746 (property to be transferred to state).	T. Roosevelt, Wm. H. Taft
16. Tumacacori, AZ.	"the Tumacacori Mission, an	"great historical interest"	10.00 acres	Boundary enlarged - Proc. No. 3228	T. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
Proc. No. 821 (Sept. 15, 1908), 35 Stat. 2205.	ancient Spanish ruin, which is one of the oldest mission ruins in the Southwest ... and in remarkable repair, considering its great age, and of great historical interest" (Proc. No. 821)	(Proc. No. 821)		(March 28, 1958), 72 Stat. c30; Act of Nov. 10, 1978, 92 Stat. 3475. Redesignated Tumacacori NHP by Pub. L. 101-344, 104 Stat. 393, codified at 16 U.S.C. §§ 410ss and 410ss note. Now an NHP of 15.88 acres.	
17. Wheeler, CO. Proc. No. 831 (Dec. 7, 1908), 35 Stat. 2214.	"certain volcanic formations ... of unusual scientific interest as illustrating erratic erosion" (Proc. No. 831)	"unusual scientific interest" (Proc. No. 831)	300.00 acres	Abolished by Act of Aug. 3, 1950, 64 Stat. 405 (property to be administered as national forest)	T. Roosevelt
18. Mount Olympus, WA. Proc. No. 869 (March 2, 1909), 35 Stat. 2247.	"the slopes of Mount Olympus and the adjacent summits of the Olympic Mountains... embrace ... numerous glaciers, and ... the summer range and breeding grounds of the Olympic Elk" ( <i>Cervus roosevelti</i> ), a species peculiar to these mountains and rapidly decreasing in numbers" (Proc. No. 869)	"certain objects of unusual scientific interest" (Proc. No. 869)	639,200.00 acres	boundary reduced - Proc. No. 1191 (April 17, 1912), 37 Stat. 1737; Proc. No. 1293 (May 11, 1915), 39 Stat. 1726; Proc. No. 1862 (Jan. 7, 1929), 45 Stat. 2984. Transferred from NFS to NPS, Aug. 10, 1933. Now Olympic NP, 913,280.5 acres; Act of June 29, 1938, 52 Stat. 1241 (codified at 16 U.S.C. §§ 251 et seq.) (several subsequent changes).	T. Roosevelt, Wm. H. Taft, Woodrow Wilson, Herbert Hoover
19. Navajo, AZ. Proc. No. 873 (March 20, 1909), 36 Stat. 2491.	"a number of prehistoric cliff dwellings and pueblo ruins ... which are new to science and wholly unexplored, and because of their isolation and size are of the very greatest ethnological,	"very greatest ethnological, scientific and educational interest" (Proc. No. 873)	360.00 acres	Boundary reduced - Proc. No. 1186 (March 14, 1912), 37 Stat. 1733. Now NM of 360.00 acres.	Wm. H. Taft

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
20. Oregon Caves, OR. Proc. No. 876 (July 12, 1909), 36 Stat. 2497.	scientific and educational interest" (Proc. No. 873)	"unusual scientific interest" (Proc. No. 876)	465.80 acres	Now NM of 466.23 acres.	Wm. H. Taft
21. Mukuntuweap (Zion), Ut. Proc. No. 877 (July 31, 1909), 36 Stat. 2498.	"Mukuntuweap Canyon... is an extraordinary example of canyon erosion and is of the greatest scientific interest" (Proc. No. 877); "many natural features of unusual archaeologic, geologic, and geographic interest ... the archaeologic features pertain [sic] to the prehistoric races of America and to the ancestral Indian tribes, ... the geologic features include craters of extinct volcanoes, fossiliferous deposits of unusual nature, and brilliantly colored strata of unique composition, among which are some believed to be the best representatives in the world of a rare type of sedimentation ... the features of geographic interest include a labyrinth of remarkable canyons	"greatest scientific interest" (Proc. No. 877); "natural features of unusual archaeologic, geologic, and geographic interest" (Proc. No. 1435)	16,000.00 acres	Name changed and boundary enlarged - Proc. No. 1435 (March 18, 1918), 40 Stat. 1760. Now Natl. Park (Zion NP) - 142,542.05 acres; Act of Nov. 19, 1919, 41 Stat. 356 (several subsequent boundary changes)	Wm. T. Taft, Woodrow Wilson, F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President	
22. Shoshone Cavern, WY. Proc. No. 880 (Sept. 12, 1909), 36 Stat. 2501.	with highly ornate and beautifully colored walls, in which are plainly recorded the geologic events of past ages" (Proc. No. 1435)	"a cavern...of unknown extent but of many windings and ramifications and containing vaulted chambers of large size, magnificently decorated with sparkling crystals and beautiful stalactites, and containing impenetrable pits of unknown depth" (Proc. No. 880)	"of great scientific interest and value" (Proc. No. 880)	210 acres	Now abolished by Act of May 17, 1954, 68 Stat. 98 (property to be conveyed to city for public park and recreational use with reverter to federal government).	Wm. H. Taft
23. Gran Quivira, NM. Proc. No. 882 (Nov. 1, 1909), 36 Stat. 2503.	"one of the largest and most important of the early Spanish church ruins ... together with numerous Indian pueblo ruins in its vicinity ... of great historical interest"; (Proc. No. 882); "ruins of archaeological value" (Proc. No. 1545)	"great historical interest" (Proc. No. 882); "ruins of archaeological value" (Proc. No. 1545)	183.77 acres	Boundary enlarged - Proc. No. 1545 (Nov. 25, 1919), 41 Stat. 1778. Monument abolished and funds made available to Salinas NM by Pub. L. 96- 550, Dec. 19, 1980, 94 Stat. 3231. Salinas NM redesignated Salinas Pueblo Missions NM by Pub. L. 100- 559, Oct. 28, 1988, 102 Stat. 2797.	Wm. H. Taft, Woodrow Wilson	
24. Sitka, AK. Proc. No. 959 (March 23, 1910), 36 Stat. 2601)	"the decisive battleground of the Russian conquest of Alaska in 1804, and ... the site of the former village of the Kit-Siti tribe, the most warlike of the		51.25 acres	Boundary redefined and enlarged - Proc. No. 2965 (Feb. 25, 1952), 66 Stat. c22. Now Sitka NHP, 106.17 acres; Act of Oct. 18, 1972, 86 Stat. 904.	Wm. H. Taft, Harry S. Truman	

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
	Alaskan Indians ... and ... the graves of a Russian midshipman and six sailors, killed in the conflict, and numerous totem poles constructed by the Indians, which record the genealogical history of their several clans" (Proc. No. 959)				
25. Rainbow Bridge, UT. Proc. No. 1043 (May 30, 1910), 36 Stat. 2703.	"an extraordinary natural bridge, having an arch which is in form and appearance much like a rainbow, and which is three hundred and nine feet high and two hundred and seventy-eight feet span ... of great scientific interest as an example of eccentric stream erosion" (Proc. No. 1043)	"great scientific interest" (Proc. No. 1043)	160 acres	now NM of 160.00 acres.	Wm. H. Taft
26. Big Hole Battlefield, MT. Exec. Order No. 1216 (June 23, 1910)		"historic landmarks" (Exec. Order No. 1216)	5.00 acres	Transferred from War Department to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 2239 (June 29, 1939), 53 Stat. 2544; name changed and boundary enlarged, Act of May 17, 1963, 77 Stat. 18. Now Natl. Battlefield (Big Hole NB) - 655.61 acres; Act of May 17, 1963, 77 Stat. 18 (subsequent boundary changes)	Wm. H. Taft, F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
27. Colorado, CO. Proc. No. 1126 (May 24, 1911), 37 Stat. 1681.	"extraordinary examples of erosion ... of great scientific interest ... natural formations" (Proc. No. 1126)	"great scientific interest ... natural formations" (Proc. No. 1126); "features of historical and scientific interest" (Proc. No. 2037)	13,466.21 acres	Boundary enlarged - Proc. No. 2037 (March 3, 1933), 47 Stat. 2563; boundary revised - Proc. No. 3307 (Aug. 7, 1959), 73 Stat. 69; Oct. 21, 1976). Nov. 10, 1978. Now NM of 19,925.91 acres.	Wm. H. Taft, Herbert Hoover, Dwight D. Eisenhower
28. Devil Postpile, CA. Proc. No. 1166 (July 6, 1911), 37 Stat. 1715.	"the natural formations known as the Devil Postpile and Rainbow Falls ... of scientific interest" (Proc. No. 1166)	"scientific interest" (Proc. No. 1166)	798.46 acres	Transferred from NFS to NPS, Aug. 10, 1933. Now NM of 798.46 acres.	Wm. H. Taft
29. Papago Saguaro, AZ. Proc. No. 1262 (Jan. 31, 1914), 38 Stat. 1991.	"splendid examples of the giant and many other species of cacti and the yucca palm, with many additional forms characteristic of desert flora, grow to great size and perfection and are of great scientific interest, and ... numerous prehistoric pictographs of archaeological and ethnological value" (Proc. No. 1262)	"great scientific interest ... archaeological and ethnological value ... natural objects and prehistoric inscriptions" (Proc. No. 1262)	2,050.43 acres	Boundary reduced - Exec. Order No. 3769 (Dec. 28, 1922). Now abolished by Act of April 7, 1930, 46 Stat. 142 (property to be conveyed to state for park, recreational, and public convenience purposes with reverter to federal government).	Woodrow Wilson, W.G. Harding

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
30. Cabrillo, CA. Proc. No. 1255 (Oct. 14, 1913), 38 Stat. 1965.	"when Cabrillo sailed from San Diego Bay on the 28th day of September, 1542, Point Loma was the first land sighted" (Proc. No. 1255)	"historical landmarks and historical objects" (Proc. No. 32730)	0.50 acres	Proc. No. 1773 (May 12, 1926), 44 Stat. 2612; transferred from War Dept. to NPS, Aug. 10, 1933, boundary enlarged - Proc. No. 3273 (Feb. 2, 1959), Stat. ; Proc. No. 4319 (Sept. 28, 1974), Stat. Now NM of 137.06 acres, Woodrow Wilson, Dwight D. Eisenhower, Gerald R. Ford	
31. Dinosaur, CO. Proc. No. 1313 (Oct. 4, 1915), 39 Stat. 1752.	"an extraordinary deposit of Dinosaurian and other gigantic reptilian remains of the Juratris period, which are of great scientific interest and value" (Proc. No. 1313)	"great scientific interest and value" (Proc. No. 1313); "various objects of historic and scientific interest" (Proc. No. 2290)	80.00 acres	Boundary enlarged - Proc. No. 2290 (July 14, 1938), 53 Stat. 2454; Act of Sept. 8, 1960, 74 Stat. 857. Boundaries enlarged by Notice of the Secretary of the Interior, Feb. 21, 1963, March 27, 1964, Notice of the Asst. Secretary of the Interior, Oct. 6, 1964, and Notice of the Dir. of the NPS, Aug. 27, 1985. Now NM of 204,355.49 acres.	Woodrow Wilson, Calvin Coolidge
32. Walnut Canyon, AZ. Proc. No. 1318 (Nov. 30, 1915), 39 Stat. 1761.	"certain prehistoric ruins of ancient cliff dwellings ... of great ethnologic, scientific, and educational interest" (Proc. No. 1318)	"great ethnologic, scientific, and educational interest" (Proc. No. 1318); "various objects of historic and scientific interest" (Proc. No. 2300)	960.00 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 2300 (Sept. 24, 1938), 53 Stat. 2469. Now NM of 2,011.62 acres.	Woodrow Wilson, F.D. Roosevelt
33. Bandelier, NM. Proc. No. 1322	"certain prehistoric ruins ... of unusual ethnologic, scientific,	"unusual ethnologic, scientific, and educational	23,352.00 acres	Transferred from NFS to NPS, Feb. 25, 1932; boundary enlarged - Proc.	Woodrow Wilson,

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
(Feb. 11, 1916), 39 Stat. 1764	and educational interest ... relics of a vanished people" (Proc. No. 1322); "pueblo-type archaeological ruins" (Proc. No. 3388); "prehistoric aboriginal ruins ... unusual scenic character together with geologic and topographic features" (Proc. No. 3539)	"interest" (Proc. No. 1322)		No. 1991 (Feb. 25, 1932), 47 Stat. 2503; Proc. No. 3388 (Jan. 9, 1961), 75 Stat. 1014; Proc. No. 3539 (May 27, 1963), 77 Stat. 1066. Now NM of 32,737.20 acres.	Herbert Hoover, Dwight D. Eisenhower
34. Sieur De Monts, ME. Proc. No. 1339 (July 8, 1916), 39 Stat. 1785.	"Mount Desert Island ... discovered by Samuel de Champlain and upon which he first landed when ... he explored and described the present New England coast, an exploration and discovery of great historic interest. The topographic configuration, the geology, the fauna and the flora of the island ... are also of great scientific interest" (Proc. No. 1339)	"great historic interest ... great scientific interest" (Proc. No. 1339)	5,000.00 acres	Now Acadia NP, 40,699.48 acres; Act of Feb. 26, 1919, 40 Stat. 1178 (establishing "Lafayette NP"); Act of Jan. 19, 1929; 45 Stat. 1083, extending boundaries and changing name to "Acadia NP" (subsequent boundary changes).	Woodrow Wilson

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35. Capulin Mountain, NM. Proc. No. 1340 (Aug. 9, 1916), 39 Stat. 1792.	"striking example of recent extinct volcanoes and ... of great scientific and especially geologic interest" (Proc. No. 1340); "scenic and scientific integrity of Capulin Mountain National Monument" (Act of Sept. 5, 1962)	"great scientific and especially geologic interest" (Proc. No. 1340)	640.42 acres	Boundary enlarged by the Act of Sept. 5, 1962, 76 Stat. 436. Renamed Capulin Volcano NM by Pub. L. 100- 225, Dec. 21, 1987, codified at 16 U.S.C. § 560uu-46(g). Boundary adjusted by Public Land Order 5273, May 14, 1980.	Woodrow Wilson
36. Old Kasaan, AK. Proc. No. 1351 (Oct. 25, 1916), 39 Stat. 1812	"certain historic aboriginal ruins of the former Haida Indian village known as 'Old Kasaan' ... representing a distinctive type of aboriginal American civilization, the vestiges of which are rapidly disappearing" (Proc. No. 1351)	"Unusual ethnologic, scientific, and educational interest" (Proc. No. 1351)	43.00 acres	Now abolished by Act of July 26, 1955, 69 Stat. 380 (property to be administered as part of Tongass National Forest).	Woodrow Wilson
37. Verendrye, ND. Proc. No. 1380 (June 29, 1917), 40 Stat. 1677	"a high and imposing butte ... it marks the spot where the Verendrye party first crossed the Missouri River in their journey to the Rocky Mountains, thus giving the place great historic interest" (Proc. No. 1380)	"great historic interest" (Proc. No. 1380)	253.04 acres	Abolished by Act of July 30, 1956, 70 Stat 730 (property to be conveyed to state for public recreation use and as state historic site with reverter to federal government)	Woodrow Wilson
38. Casa Grande, AZ. Proc. No. 1470 (Aug. 3,	"the prehistoric ruin known as Casa Grande ... ruins of the ancient buildings and other	"objects of prehistoric interest"	480.00 acres	Boundary reduced by the Act of June 7, 1926, 44 Stat. 698. Now a NM of 472.50 acres.	Woodrow Wilson

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
1918), 40 Stat. 1818  39. Katmai, AK. Proc. No. 1487 (Sept. 24, 1918), 40 Stat. 1855	objects of prehistoric interest (Proc. No. 1470)  Mount Katmai ... has proved ... to be of importance in the study of volcanism, inasmuch as its eruption of June, 1912, was one of excessive violence, ranking in the first order of volcanic eruptions ... The results of this eruption are still fresh, offering excellent opportunities for studying the causes of the catastrophe and its results ... The Valley of the Ten Thousand Smokes, a valley of hot springs in a condition of development toward a possible future geyser field ... This wonderland may become of popular scenic, as well as scientific, interest for generations to come, inasmuch as all its phenomena exist upon a scale of great magnitude, arousing emotions of wonder at the inspiring spectacles, thus affording inspiration to patriotism and to the study of nature"; "features of historical	"scenic, as well as scientific, interest" (Proc. No. 1487); "features of historical and scientific interest" (Proc. No. 1950); "objects of scientific interest" (Proc. No. 2564); "ecological and other scientific values" (Proc. No. 3890)	1,088,000.00 acres	Boundary enlarged by Proc. No. 1950 (April 24, 1931), 47 Stat. 2453; valid existing rights recognized by Proc. No. 2177 (June 15, 1936), 49 Stat. 3523; boundary enlarged by Proc. No. 2564 (Aug. 4, 1942), 56 Stat. 1972; Proc. No. 3890 (Jan. 20, 1969), 83 Stat. 926; Proc. No. 4619 (Dec. 1, 1978). Redesignated Katmai National Park and Preserve by the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, codified at 16 U.S.C. § 410hh-1(2). Now a NP of 3,674540.87 acres and a national preserve of 382,074 acres.	Woodrow Wilson, Herbert Hoover, F.D. Roosevelt, L.B. Johnson, Jimmy Carter

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40. Scotts Bluff, NE. Proc. No. 1547 (Dec. 12, 1919), 41 Stat. 1779	and scientific interest and ... brown bear, moose, and other wild animals" (Proc. 1950); "inclusion of all ... [Nanek Lake] and its shores ... for the protection of the ecological and other scientific values of this lake and the existing monument" (Proc. No. 3890)	"... the highest point within the State of Nebraska ... traversed by the old Oregon-Trail ... used as a landmark and rendezvous by thousands of immigrants and frontiersmen ..." (Proc. No. 1547)	"scientific interest" (Proc. No. 1547); "additional features of scenic and scientific interest" (Proc. No. 1999)	2,053.83 acres 148	Boundary enlarged by Proc. No. 1999 (June 1, 1932), 47 Stat. 2512; Proc. No. 2391 (March 29, 1940), 54 Stat. 2690; Act of June 30, 1961, 75 Stat. 148	Woodrow Wilson, Herbert Hoover, F.D. Roosevelt
41. Yucca House, Co. Proc. No. 1549 (Dec. 19, 1919), 41 Stat. 1781	"an imposing pile of masonry of great archaeological value, relic of the prehistoric inhabitants of that part of the country" (Proc. No. 1549)	"great archaeological value" (Proc. No. 1549)	9.60 acres	Now a NM of 9.60 acres	Woodrow Wilson	
42. Lehman Caves, NV. Proc. No. 1618 (Jan. 24, 1922), 42 Stat. 2260	"certain natural caves ... of unusual scientific interest and importance (Proc. No. 1618)	"unusual scientific interest and importance" (Proc. No. 1618)	593.03 acres	Incorporated into Great Basin NP, 77,180 acres, by Pub. L. 99-565, 100 Stat. 3181, codified at 16 U.S.C. § 410mm(d)	W.G. Harding	

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43. Timpanogos Cave, UT. Proc. No. 1640 (Oct. 14, 1922), 42 Stat. 2285	"a natural cave ... of unusual scientific interest and importance" (Proc. No. 1640)	"unusual scientific interest and importance" (Proc. No. 1640)	250 acres	Now a NM of 250 acres	W.G. Harding, J.F. Kennedy
44. Fossil Cycad, SD. Proc. No. 1641 (Oct. 21, 1922), 42 Stat. 2286	"rich Mesozoic deposits of fossil cycads and other characteristic examples of paleobotany, which are of great scientific interest and value" (Proc. No. 1641)	"great scientific interest and value" (Proc. No. 1641)	320 acres	Abolished by Act of Aug. 1, 1956, 70 Stat. 898 (property to be administered under public land laws)	W.G. Harding
45. Hovenweep, CO. Proc. No. 1654 (March 2, 1923), 42 Stat. 2299	"four groups of ruins, including prehistoric structures, the majority of which belong to unique types not found in other National Monuments, and show the finest prehistoric masonry in the United States" (Proc. No. 1654);	"prehistoric remains" (Proc. No. 1654); "very important archaeological sites" (Proc. No. 2998); "historic and scientific value" (Proc. No. 3132)	285.80 acres	Boundary enlarged by Proc. NO. 2924 (April 26, 1951), 65 Stat. 8; Proc. No. 2998 (Nov. 20, 1952), 67 Stat. c21; Proc. No. 3132 (April 6, 1956), 70 Stat. 26. Now an NM of 784.93 acres.	W.G. Harding, Harry S. Truman, Dwight D. Eisenhower
46. Mound City Group, OH. Proc. No. 1653 (March 2, 1923), 42 Stat. 2298	"'Mound City Group' of prehistoric mounds ... is an object of great historic and scientific interest" (Proc. No. 1653)	"object of great historic and scientific interest" (Proc. No. 1653)	57.00 acres	Transferred from War Dept. to NPS, Aug. 10, 1933; boundary changed, April 3, 1952, 66 Stat. 42. Renamed and redesignated as part of Hopewell Culture National Historic Park (NHP), 412.72 acres, by Pub. L. 102-294, 106 Stat. 185, codified at 16 U.S.C. §§ 410uu, 410uu-1.	W.G. Harding

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47. Pipe Spring, AZ. Proc. No. 1662 (May 31, 1923), 43 Stat. 1913	"a spring ... which affords the only water along the road between Hurricane, Utah, and Fredonia, Arizona, a distance of sixty-two miles ... used as a place of refuge from hostile Indians by the early settlers" (Proc. No. 1663)		0.00 acres	Acreage conveyed to federal government by quitclaim deed, 1924. Now a NM of 40 acres.	W.G. Harding
48. Bryce Canyon, UT. Proc. No. 1664 (June 8, 1923), 43 Stat. 1914	(Establishing Proc. lists no specific objects)	"certain lands within the Powell National Forest, ... known as Bryce Canyon, are of unusual scenic beauty, scientific interest and importance" (Proc. No. 1664)	7,440.00 acres	Now Bryce Canyon NP, 35,832.58 acres; Act of June 7, 1924, 43 Stat. 593 (authorized as "Utah National Park"); name changed to "Bryce Canyon National Park" by Act of Feb. 25, 1928, 45 Stat. 147 (subsequent boundary changes).	W.G. Harding
49. Carlsbad Cave, NM. Proc. No. 1679 (Oct. 25, 1923), 43 Stat. 1929	"a limestone cavern ... of extraordinary proportions and of unusual beauty and variety of natural decoration ... as to make this a cavern equal, if not superior, in both scientific and popular interest to the better known caves" (Proc. No. 1679)	"scientific and popular interest" (Proc. No. 1679)	719.22 acres	Now Carlsbad Caverns NP, 46,427.26 acres; Act of May 14, 1930, 46 Stat. 279 (subsequent boundary changes; wilderness designated, Act of Nov. 10, 1978, 92 Stat. 3489)	W.G. Harding
50. Chiricahua, AZ. Proc. No. 1692 (April 18, 1924), 43 Stat. 1946	"certain natural formations, known as 'The Pinnacles,' of scientific interest" (Proc. No. 1692)	"scientific interest" (Proc. No. 1692); "objects of historic and scientific interest" (Proc. No. 2283)	3,655.12 acres	Now a NM of 11,982.38 acres	W.G. Harding

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
51. Craters of the Moon, ID. Proc. No. 1694 (May 2, 1924), 43 Stat. 1947	"remarkable fissure eruption together with its associated volcanic cones, craters, rifts, lava flows, caves natural bridges, and other phenomena characteristic of volcanic action which are of unusual scientific value and general interest" (Proc. No. 1694); "an island of vegetation completely surrounded by lava, that is scientifically valuable for ecological studies because it contains a mature, native sagebrush-grassland association which has been undisturbed by man or domestic livestock" (Proc. No. 3506)	"unusual scientific value and general interest ... many curious and unusual phenomena of great educational value" (Proc. No. 1694); "additional features of scientific interest" (Proc. No. 1843)	22,651.80 acres	Boundary enlarged by Proc. No. 1843 (July 23, 1928), 45 Stat. 2959; Proc. No. 1916 (July 9, 1930), 46 Stat. 3029; lands excluded by Proc. No. 2499 (July 18, 1941), 55 Stat. 1660; boundary enlarged by Proc. No. 3506 (Nov. 19, 1962), 77 Stat. 960. Now an NM of 53,545.05 acres	Calvin Coolidge, Herbert Hoover, F. D. Roosevelt, John F. Kennedy
52. Fort Marion (Castillo de San Marcos), FL. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	"various military reservations ... which comprise areas of historic and scientific interest" (Proc. No. 1713)	"areas of historic and scientific interest" (Proc. No. 1713)	18.51 acres	Transferred from War Dept. to NPS Aug. 10, 1933; boundary adjustment authorized by the Act of June 29, 1936, 49 Stat. 2029; name changed from "Fort Marion" to "castillo de San Marcos," Act of June 5, 1942, 56 Stat. 312; addition of lands authorized by Act of July 5, 1960, 74 Stat. 317. Now a NM of 20.18.	Calvin Coolidge
53. Fort Matanzas, FL.	"various military reservations	"areas of historic and	1 acre	Transferred from War Dept. to NPS	Calvin

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Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	... which comprise areas of historic and scientific interest" (Proc. No. 1713)	"scientific interest" (Proc. No. 1713)		Aug. 10, 1933; boundary enlarged by Proc. No. 2773 (March 24, 1948), 62 Stat. 1491; Proc. No. 2114 (Jan. 9, 1935), 49 Stat. 3433. Now a NM of 298.51 acres.	Coolidge, F.D. Roosevelt
54. Fort Pulaski, GA. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	"various military reservations ... which comprise areas of historic and scientific interest" (Proc. No. 1713); "the Cockspur Island Lighthouse Reservation ... contains an old abandoned lighthouse which is contemporary with Fort Pulaski and ... of historic interest"	"areas of historic and scientific interest" (Proc. No. 1713)	20 acres	Transferred from War Dept. to NPS Aug. 10, 1933; boundary enlarged by Act of June 2, 1936, 49 Stat. 1979; Proc. No. 3254 (Aug. 14, 1958), 72 Stat. c52. Now a NM of 5,365.13 acres.	Calvin Coolidge
55. Statue of Liberty, NY. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	"various military reservations ... which comprise areas of historic and scientific interest .. the site of the Statue of Liberty Enlightening the World" (Proc. No. 1713)	"areas of historic and scientific interest" (Proc. No. 1713)	2.5 acres	Transferred from War Dept. to NPS Aug. 10, 1933; boundary enlarged by Proc. No. 2250 (Sept. 7, 1937), 51 Stat. 393; Proc. No. 3656 (May 11, 1965), 79 Stat. 1490. Now a NM of 58.38 acres.	Calvin Coolidge, F.D. Roosevelt, L.B. Johnson
56. Castle Pinckney, SC. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968.	"various military reservations ... which comprise areas of historic and scientific interest" (Proc. No. 1713)	"areas of historic and scientific interest" (Proc. No. 1713)	3.5 acres	Now abolished by Act of March 29, 1956, 70 Stat. 61 (property to be disposed of in accordance with the laws relating to the disposition of surplus Federal property).	Calvin Coolidge
57. Wupatki, AZ. Proc.	"two groups of prehistoric ruins	"prehistoric remains" (Proc.	2,234.10	Boundary enlarged - Proc. No. 2243	Calvin

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No. 1721 (Dec. 9, 1924), 43 Stat. 1977.	built by the ancestors of a most picturesque tribe of Indians still surviving in the United States, the Hopi or People of Peace" (Proc. No. 1721)	No. 1721); "prehistoric and archaeological ruins of historic and scientific interest" (Proc. No. 2243)	acres	(July 9, 1937), 50 Stat. 1841; lands excluded - Proc. No. 2454 (Jan. 22, 1941), 55 Stat. 1608; boundary revised - Act of Aug. 10, 1961, 75 Stat. 337. Now NM 35,253.24 acres.	Coolidge
58. Meriwether Lewis, TN. Proc. No. 1730 (Feb. 6, 1925), 43 Stat. 1986.	"the grave of Captain Meriwether Lewis [whose] faithful and effective services are of transcendent importance to the Nation" (Proc. No. 1730)		50.00 acres	Boundary enlarged - Proc. No. 1825 (Dec. 6, 1927), 45 Stat. 2935; transferred from War Dept. to NPS, Aug. 10, 1933; included in the Natchez Trace Parkway, Act of Aug. 10, 1961, 75 Stat. 335. Now Part of Natchez Trace National Scenic Trail, 10,995 acres, established by Pub. L. 98-11, codified at 16 U.S.C. § 1244(a)(12).	Calvin Coolidge, F.D. Roosevelt
59. Glacier Bay, AK. Proc. No. 1733 (Feb. 26, 1925), 43 Stat. 1988.	"a number of tidewater glaciers of the first rank in a magnificent setting of lofty peaks ... a unique opportunity for the scientific study of glacial behavior and of resulting movements and development of flora and fauna and of certain valuable relics of ancient interglacial forests ... of historic interest having been visited by explorers and scientists since the early voyages of Vancouver in 1794, who have left valuable	"unique opportunity for ... scientific study ... historic interest" (Proc. No. 1733); "geologic features of scientific interest" (Proc. No. 2330)	1,379,315.58 acres	Boundary enlarged - Proc. No. 2330 (April 18, 1939), 53 Stat. 2534; lands excluded - Proc. No. 3089 (March 31, 1955), 69 Stat. c27; boundary enlarged by Proc. No. 4618 (Dec. 1, 1978). Boundary expanded and redesignated a NP and national preserve by ANILCA, Pub. L. 96-487, 94 Stat 2382, codified at 16 U.S.C. § 410hh-1(1). Now a NP of 3,224,938 acres and a national preserve of 55,439 acres.	Calvin Coolidge, F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson

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60. Father Millet Cross, NY. Proc. No. 1745 (Sept. 5, 1925), 44 Stat. 2582.	records of such visits and explorations" (Proc. No. 1733)  "Father Millet, a French Jesuit Priest, who came to Canada - then known as New France - in 1667, and who did, on Good Friday, 1688, erect and dedicate a cross on what is now the Fort Niagara Military Reservation" (Proc. No. 1745)		0.0074 acres	Now abolished by Act of Sept. 7, 1949, 63 Stat. 691 (property conveyed to state for use as part of state park).	Calvin Coolidge
61. Lava Beds, CA. Proc. No. 1755 (Nov. 21, 1925), 44 Stat. 2591.	"cliffs with petroglyphic carvings from a prehistoric period ... a large cinder cone, important to the geological interpretation of the ... Monument" (Proc. No. 2925)	"objects of such historic and scientific interest as to justify their reservation and protection as a National Monument" (Proc. No. 1755); "prehistoric and geologic phenomena" (Proc. No. 2925)	45,589.92 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 2925 (April 27, 1951), 65 Stat. c9; Oct. 26, 1974, 88 Stat. 1447. Now NM of 46,821.33 acres.	Calvin Coolidge. Harry Truman
62. Arches, UT. Proc. No. 1875 (April 12, 1929), 46 Stat. 2988.	"extraordinary examples of wind erosion in the shape of gigantic arches, natural bridges, 'windows,' spires, balanced rocks, and other unique wind- worn sandstone formations, the preservation of which is desirable because of their educational and scenic value"	"educational and scenic value" (Proc. No. 1875); "geologic and prehistoric structures of historic and scientific interest" (Proc. No. 2312); "outstanding interest" (Proc. No. 3360); "objects of geological and scientific interest to	4,833.63 acres	Boundary enlarged - Proc. No. 2312 (Nov. 25, 1938) 53 Stat. 2504; boundary revised - Proc. No. 3360 (July 22, 1960), boundary revised - Proc. No. 3360 (July 22, 1960), 74 Stat. c79; boundary enlarged - Proc. No. 3887 (Jan. 20, 1969), 83 Stat. 920. Now Natl. Park (Arches NP) - 66,343.51 acres; Act of Nov. 12,	Herbert Hoover, F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson

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	(Proc. No. 1875)	complete the geologic story presented at the monument" (Proc. No. 3887)		1971, 85 Stat. 422 (codified at 16 U.S.C. § 272).	
63. Holy Cross, CO. Proc. No. 1877 (May 11, 1929), 46 Stat. 2993.	"the figure in the form of a Greek Cross found on the side of the Mount of the Holy Cross ... is an object of much public interest" (Proc. No. 1977)	"object of much public interest" (Proc. No. 1877)	1,392.00 acres	Now abolished by Act of Aug. 3, 1950, 64 Stat. 404 (property to be administered as part of national forest).	Herbert Hoover
64. Sunset Crater, AZ. Proc. No. 1911 (May 26, 1930), 46 Stat. 3023.	(Establishing Proc. No. 1911 lists no specific objects)	"certain geologic formations ... of scientific and public interest" (Proc. No. 1911)	3,040.00 acres	Transferred from NFS to NPS, Aug. 10, 1933. Name changed to Sunset Crater Volcano NM by Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3222. Now NM of 3,040.00 acres.	Herbert Hoover
65. Great Sand Dunes, CO. Proc. No. 1994 (March 17, 1932), 47 Stat. 2506.	"the great sand dunes and additional features of scenic, scientific, and educational interest" (Proc. No. 1994)	"features of scenic, scientific, and educational interest" (Proc. No. 1994)	35,528.36 acres	Boundary redefined - Proc. No. 2681 (March 12, 1946), 60 Stat. 1339; boundary revised - Proc. No. 3138 (June 7, 1956), 70 Stat. 631; boundary enlarged - Act of Nov. 10, 1978, 92 Stat. 3474. Now NM of 36,426.16 acres.	Herbert Hoover, Harry S. Truman, Dwight D. Eisenhower
66. Grand Canyon "II", AZ. Proc. No. 2022 (Dec. 22, 1932), 47 Stat. 2547.	"the Grand Canyon of the Colorado River is an object of unusual scientific interest, being the greatest eroded canyon within the United States ... and ... that portion of the canyon which continues down the	"unusual scientific interest" (Proc. No. 2022)	273,145.00 acres	Lands excluded - Proc. No. 2393 (April 4, 1940), 54 Stat. 2692. Now Natl. Park (Grand Canyon NP) - 1,189,641.37 acres; Act of Jan. 31, 1975, 88 Stat. 2089 (incorporated existing Grand Canyon NP, Grand Canyon "II" National Monument,	Herbert Hoover, F.D. Roosevelt

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67. White Sands, NM. Proc. No. 2025 (Jan. 18, 1933), 47 Stat. 2551.	Colorado River below the Grand Canyon National Park contains much that is most significant and important in this unusual scientific interest* (Proc. No. 2022)	"the white sands and additional features of scenic, scientific, and educational interest" (Proc. No. 2025)	131,486.84 acres	Marble Canyon National Monument, and portions of Glen Canyon and Lake Mead National Recreation Areas).	Herbert Hoover, F D Roosevelt, Dwight D. Eisenhower
68. Death Valley, C.A. Proc. No. 2028 (Feb. 11, 1933), 47 Stat. 2554 (includes Devil's Hole, Proc. No. 2961 Jan. 17, 1952), 66 Stat. 18 )	"(Establishing Proc. No. 2028 lists no specific objects); "a remarkable underground pool known as Devil's Hole ... said pool is a unique subsurface remnant of the prehistoric chain of lakes which in Pleistocene times formed the Death Valley Lake System ... [and contains] a peculiar race of desert fish, and ... said pool is of ... outstanding scientific importance" (Proc. No. 2961)	"Unusual features of scenic, scientific, and educational interest" (Proc. No. 2028); "various objects of historic and scientific interest" (Proc. No. 2228)	848,581.36 acres	Boundary enlarged - Proc. No. 2108 (Nov. 28, 1934), 49 Stat. 3426; lands excluded - Proc. No. 2295 (Aug. 29, 1938), 53 Stat. 2465; boundary enlarged - Act of June 6, 1942, 56 Stat. 327; Proc. No. 3024 (June 24, 1953), Nov. 10, 1978. 92 Stat. 3475. Now NM 143,732.92 acres.	Herbert Hoover, F.D. Roosevelt, Harry S. Truman

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
69. Saguaro, AZ. Proc. No. 2032 (Mar. 1, 1933), 47 Stat. 2557.	exceptional growth ... of various species of cacti, including the so-called giant cactus" (Proc. No. 2032); "a remarkable display of relatively undisturbed lower Sonoran desert vegetation, including a saguaro stand which equals or surpasses saguaro stands elsewhere in the Nation" (Proc. No. 3439)	"outstanding scientific interest" (Proc. No. 3439)	53,510.08 acres	Transferred from NSF to NPS, Aug. 10, 1933; boundary enlarged ; Proc. No. 3439 (Nov. 15, 1961), 76 Stat. 1437; Act of Oct. 21, 1976, 90 Stat. 2735; wilderness designated - Act of Oct. 20, 1976, 90 Stat. 2692. Established as a NP by Pub. L. 103-364 (Oct 14, 1994), 108 Stat. 3467, codified at 16 U.S.C.A. §§ 410zz, 410zz-1, 410zz-2. Now a NP of 83,108.09 acres.	Herbert Hoover, John F. Kennedy
70. Black Canyon of the Gunnison, CO. Proc. No. 2033 (Mar. 2, 1933), 47 Stat. 2558.	"spectacular gorges and additional features of scenic, scientific, and educational interest" (Proc. No. 2033)	"features of scenic, scientific, and educational interest" (Proc. No. 2033)	10,287.95 acres	Boundary enlarged - Proc. No. 2286 (May 16, 1938), 52 Stat. 1548; Proc. No. 2372 (Oct. 28, 1939), 54 Stat. 2669; lands excluded - Proc. No. 3344 (April 8, 1960), 74 Stat. 5. Boundary enlarged by Pub. L. 98-357 (June 13, 1984), 98 Stat. 397. Now a NM of 20,646.14.	Herbert Hoover, F.D. Roosevelt, Dwight D. Eisenhower
71. Channel Islands, CA. Proc. No. 2281 (April 26, 1938), 52 Stat. 1541	"fossils of Pleistocene elephants and ancient trees ... and ... noteworthy examples of ancient volcanism, deposition, and active sea erosion and ... various other objects of ecological and scientific interest" (Proc. No. 2281)	"objects of geological and scientific interest" (Proc. No. 2281)	1,119.98 acres	Boundary enlarged by Proc. No. 2825 (Feb. 9, 1949), 63 Stat. 1258. Established as a NP by the Act of March 5, 1980 (May 31, 1980), 94 Stat. 67. Now a NP of 10,887.82.	F.D. Roosevelt, Harry S. Truman

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
72. Cedar Breaks, UT. Proc. No. 2054 (Aug. 22, 1933), 48 Stat. 1705.	"spectacular cliffs, canyons, and features of scenic, scientific, and educational interest" (Proc. No. 2054)	"features of scenic, scientific, and educational interest" (Proc. No. 2054)	5,701.39 acres	Boundary adjusted by Act of Mar. 7, 1942, 56 Stat. 141; boundary revised by Act of June 30, 1961, 75 Stat. 198. Now a NM of 6,154 acres.	F.D. Roosevelt
73. Fort Jefferson, FL. Proc. No. 2112 (Jan. 4, 1935), 49 Stat. 3430.	"Fort Jefferson and the historic and educational interest contained in such area" (Proc. No. 2112)	"historic and educational interest" (Proc. No. 2112)	47,125.00 acres	Redesignated Dry Tortugas NP by Pub. L. 102-525 (Oct. 26, 1992), 106 Stat. 3439, codified at 16 U.S.C.A. § 410xx. Now a NP of 61,480 acres.	F.D. Roosevelt
74. Joshua Tree, CA. Proc. No. 2193 (Aug. 10, 1936), 50 Stat. 1760.	(Establishing proclamation lists no specific objects)	"historic and prehistoric structures, and ... various objects of historic and scientific interest" (Proc. No. 2193)	378,018.40 acres	Boundary reduced and revised by Act of Sept. 25, 1950, 64 Stat. 1033; boundary enlarged by Act of June 30, 1961, 75 Stat. 197. Established as a NP by Pub. L. 103-433 (Oct. 31, 1994), 108 Stat. 4488, codified at 16 U.S.C.A. § 410aaa-22. Now a NP of 548,536.36 acres.	F.D. Roosevelt
75. Zion, UT. Proc. No. 2221 (Jan. 22, 1937), 50 Stat. 1809	"volcanic phenomena of unusual scientific value, and ... various other objects of geological and scientific interest" (Proc. No. 2221)	"objects of geological and scientific interest" (Proc. No. 2221)	36,431.05 acres	Redesignated Zion NP by Act of July 11, 1956, 70 Stat. 527. Subsequent boundary changes. Now a NP of 143,040.40.	F.D. Roosevelt
76. Organ Pipe Cactus, AZ. Proc. No. 2232 (Apr. 13, 1937), 50 Stat. 1827	(Establishing proclamation lists no specific objects)	"historic landmarks, and ... various objects of historic and scientific interest" (Proc. No. 2232)	329,199.10 acres	Now a NM of 329,316.31	F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
77. Capitol Reef, UT. Proc. No. 2246 (Aug. 2, 1937), 50 Stat. 1856	"narrow canyons displaying evidence of ancient sand dune deposits of unusual scientific value, and ... various other objects of geological and scientific interest" (Proc. No. 2246)	"geological and scientific interest" (Proc. No. 2246)	32,607.31 acres	Boundary enlarged by Proc. No. 3249 (July 2, 1958), 72 Stat. 48; Proc. No. 3888 (Jan. 20, 1969), 83 Stat. 922. Redesignated Capitol Reef NP by the Act of Dec. 18, 1971, 85 Stat. 739, codified at 16 U.S.C. § 273. Now a NP of 222,753.35	F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson
78. Fort Laramie, WY. Proc. No. 2292 (July 16, 1938), 53 Stat. 2461	(Establishing proclamation lists no specific objects)	"the lands and structures are of great historic interest and constitute a historic landmark" (Proc. No. 2292)	214.41 acres	Redesignated Fort Laramie National Historic Site (NHS) by the Act of Apr. 29, 1960, 74 Stat. 83. Subsequent boundary changes. Now a NHS of 831.11.	F.D. Roosevelt
79. Santa Rosa Island, FL. Proc. No. 2337 (May 17, 1939), 53 Stat. 2542	(Establishing proclamation lists no specific objects)	"various objects of geological and scientific interest" (Proc. No. 2337)	9,500.00 acres	Abolished by Act of July 30, 1946, 60 Stat. 712. (property donated to county for its use, but disposal by county prohibited except to state or federal government)	F.D. Roosevelt
80. Tuzigoot, AZ. Proc. No. 2344 (July 25, 1939), 53 Stat. 2548	(Establishing proclamation lists no specific objects)	"historic and prehistoric structures and other objects of historic or scientific interest" (Proc. No. 2344)	42.67 acres	Boundary enlarged by the Act of Nov. 10, 1978, 92 Stat. 3475. Now a NM of 57.78 acres.	F.D. Roosevelt
81. Jackson Hole, WY. Proc. No. 2578 (Mar. 15, 1943), 57 Stat. 731	(Establishing proclamation lists no specific objects)	"historic landmarks and other objects of historic and scientific interest" (Proc. No. 2578)	210,950.00 acres	Redesignated Grand Teton NP by the Act of Sept. 14, 1950, 64 Stat. 849. Now a NP of 307,619.71 acres.	F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
82. Effigy Mounds, IA. Proc. No. 2860 (Oct. 25, 1949), 64 Stat. A371	"the earth mounds ... are of great scientific interest because of the variety of their forms ... illustrative of a significant phase of the mound-building culture of the prehistoric American Indians" (Proc. No. 2860)	"national scientific importance" (Proc. No. 2860)	1,000.00 acres	Boundary enlarged by the Act of May 27, 1961, 75 Stat. 88. Now a NM of 1,481.39.	Harry S. Truman
83. Edison Laboratory, NJ. Proc. No. 3148 (July 14, 1956), 70 Stat. c49	"the Edison Laboratory, used by the great inventor for the last 44 years of his life and the scene of many of his celebrated inventions" (Proc. No. 3148)		1.51 acres	Boundary enlarged by the Act of June 23, 1959, 73 Stat. 87. Redesignated Edison NHS by the Act of Sept. 5, 1962, 76 Stat. 428. Subsequent boundary changes. Now a NHS of 21.25.	Dwight D. Eisenhower
84. Chesapeake and Ohio Canal, MD. Proc. No. 3391 (Jan. 18, 1961), 75 Stat. 1023	(Establishing proclamation lists no specific objects)	"the Chesapeake and Ohio Canal is of historic and scientific interest, and historic structures and objects of scientific interest are situated upon the lands thereof" (Proc. No. 3391)	5,263.94 acres	Redesignated Chesapeake and Ohio NHP by the Act of Jan. 8, 1971, 84 Stat. 1978, codified at 16 U.S.C. § 410y. Now a NHP of 14,068.62 acres.	Dwight D. Eisenhower
85. Russell Cave, AL. Proc. No. 3413 (May 11, 1961), 75 Stat. 1058	"Russell Cave ... is recognized by scientists to contain outstanding archeological and ethnological evidences of human habitation in excess of 8,000 years" (Proc. No. 3413)	"the scientific importance and educational value of Russell Cave" (Proc. No. 3413)	310.45 acres	Now a NM of 310.45 acres.	John F. Kennedy

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
86. Buck Island Reef, VI. Proc. No. 3443 (Dec. 28, 1961), 76 Stat. 1441	"Buck Island and its adjoining shoals, rocks, and undersea coral reef formations' possess one of the finest marine gardens in the Caribbean Sea ... unique natural area and the rare marine life which are dependent upon it" (Proc. No. 3443)	"these lands and their related features are of great scientific interest and educational value to students of the sea and to the public ... area of outstanding scientific, aesthetic, and educational importance" (Proc. No. 3443)	850.00 acres	Boundary enlarged by Proc. No. 4346 (Feb. 1, 1975), 89 Stat. 1238; Proc. No. 4346 amended by Proc. No. 4359 (Mar. 28, 1975), 89 Stat. 1254. Now a NM of 880 acres.	John F. Kennedy, Gerald R. Ford
87. Marble Canyon, AZ. Proc. No. 3889 (Jan. 20, 1969), 83 Stat. 924	"the Marble Canyon of the Colorado River in Arizona, a northerly continuation of the world-renowned Grand Canyon, possesses unusual geologic and paleontologic features and objects and other scientific and natural values" (Proc. No. 3889)	"unusual geologic and paleontologic features and objects and other scientific and natural values" (Proc. No. 3889)	32,546.69 acres	Now part of Grand Canyon NP, established by the Act of Jan. 3, 1975, 88 Stat. 2089, incorporating the existing Grand Canyon NP, Grand Canyon II NM, Marble Canyon NM, and portions of Glen Canyon and Lake Mead National Recreation Areas. Now part of a NP of 1,189,641.37	Lyndon B. Johnson
88. Admiralty Island, AK. Proc. No. 4611 (Dec. 1, 1978), 93 Stat. 1446	"Archaeological sites and objects ... cultural history of the Tlingit Indians ... exceptional distribution of animal species" "archeological and historical resources in a relatively unspoiled natural ecosystem" (Proc. No. 4611)		1,100,000.00 acres	Established as a monument within Tongass National Forest by Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2399.	Jimmy Carter

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
89. Aniakchak, AK. Proc. No. 4612 (Dec. 1, 1978), 93 Stat. 1448	"one of the world's largest calderas ... textbook examples of certain volcanic features such as lava flows, cinder cones, and explosion pits ..." (Proc. No. 4612)		350,000.00 acres	Established as a NM and preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(1). Now a NM of 137,176 acres and a national preserve of 434,933 acres.	Jimmy Carter
90. Becharof, AK. Proc. No. 4613 (Dec. 1, 1978), 93 Stat. 1450	"one of the densest known ... populations of the great Alaska brown bear ... Gas Rocks under Mount Peulik" (Proc. No. 4613)		1,200,000.00 acres	Established as Becharof National Wildlife Refuge (NWR) by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat 2385. Now a NWR of 1,200,000 acres.	Jimmy Carter
91. Bering Land Bridge, AK. Proc. No. 4614 (Dec. 1, 1978), 93 Stat. 1451	"rich archeological sites ... paleontological sites providing abundant evidence of the migration of plants and animals ... summering area for a number of Old World bird species ..."; "the migration route by which many plants, animals, and humans arrived on the North American continent" (Proc. No. 4614)		2,590,000.00 acres	Established as a NM by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(2). Now a NM of 2,690,179 acres.	Jimmy Carter
92. Cape Krusenstern, AK. Proc. No. 4615 (Dec. 1, 1978), 93 Stat. 1453	"one hundred fourteen horizontal ridges hold an archeological record of every major cultural period associated with habitation of the Alaska		560,000.00 acres	Established as a NM by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(3). Now a NM of 444,673 acres.	Jimmy Carter

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
	coastline in the last 5000 years ... older archeological record dating back to pre-Eskimo period of 8000 years ago ... a still recognizable Illinoisian glacial esker, ... over 100,000 years old"; "archeological record of great significance ... (Proc. No. 4615)				
93. Denali, AK. Proc. No. 4616 (Dec. 1, 1978), 93 Stat. 1455	southern half of Mt. McKinley "significant system of glaciers ... Cathedral Spires ... McKinley caribou herd ... unique area of warm springs" (Proc. No. 4616)	"protection of the geological, biological, and other phenomena ..." (Proc. No. 4616)	3,890,000.00 acres	Incorporated with Mt. McKinley NP as Denali National Park and Preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh-1(3). Now a NP of 4,724,505.36 acres and a national preserve of 1,304,132 acres.	Jimmy Carter
94. Gates of the Arctic, AK. Proc. No. 4617 (Dec. 1, 1978), 93 Stat. 1457	"wide variety of interior arctic geological and biological forms ... progression of ecosystems ... substantial portion of the habitat requirements for the Western Arctic caribou herd ... [several known traditional Indian- Eskimo trade routes ... opportunities for historical study of the life of the Alaskan pioneer miner of the early	"protection of the biological, geological, archeological, historical, and other phenomena" (Proc. No. 4617)	8,220,000.00 acres	Established as a National Park and Preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(4). Now a NP of 4,724,505.36 acres and a national preserve of 1,304,132 acres.	Jimmy Carter

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<u>Monument</u>	<u>Specific Object(s)</u>	<u>Categorical Object(s)</u>	<u>Initial Reservation</u>	<u>Subsequent History/ Current Status</u>	<u>President</u>
		"twentieth century" (Proc. No. 4617)			
95. Kenai Fjords, AK. Proc. No. 4620 (Dec. 1, 1978), 93 Stat. 1462	Harding Icefield "rain forest habitats" (Proc. No. 4620)	"significant opportunity for geologic study of mountain building and for scientific study of ecological variations from an icecap environment to a marine shoreline environment" (Proc. No. 4620)	570,000.00 acres	Established as a NP by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(5). Now a NP of 529,273 acres.	Jimmy Carter
96. Kobuk Valley, AK. Proc. No. 4621 (Dec. 1, 1978), 93 Stat. 1463	Onion Portage Archeological Dist.; Great and Little Kobuk Sand Dunes; "Archeological features ... illustrate an unbroken continuum of human adaptation from the early pre-Eskimo people of 10,500 years ago to present-day ... essentially unspoiled laboratory for the study of the northern boreal forest." (Proc. No. 4621)		1,710,000.00 acres	Established as a NP by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(6). Now a NP of 1,669,643 acres.	Jimmy Carter
97. Lake Clark, AK. Proc. No. 4622 (Dec. 1, 1978), 93 Stat. 1465	Redoubt and Iliamna volcanoes; Muchatna caribou herd; Kijik Village; "examples of geological phenomena associated with ... the Alaska		2,500,000.00 acres	Established as a NP and national preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(7). Now a NP of 2,573,724.02 acres and a national	Jimmy Carter

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
98. Misty Fjords, AK. Proc. No. 4623 (Dec. 1, 1978), 93 Stat. 1466	Range and the Chigmit Mountains ... an outstanding example of ecological diversity in zones which remain relatively unspoiled ..." (Proc. No. 4622)			preserve of 1,297,503.16 acres.	
	"extraordinarily deep and long fjords with sea cliffs rising thousands of feet. Active glaciers ... traditional native hunting and fishing grounds ... a mid-1800's military post-port entry ... wildlife representative of nearly every ecosystem in southeast Alaska"; "essentially untouched two million-acre area in the Coast Mountains of Southeast Alaska within which are found nearly all of the important geological and ecological characteristics of the region" (Proc. No. 4623)		2,285,000.00	Established as a monument within Tongass National Forest by Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2399	Jimmy Carter
99. Noatak, AK. Proc. No. 4624 (Dec. 1, 1978), 93 Stat. 1468	"Grand Canyon of the Noatak River... [n]early 200 archeological sites"; "the largest mountain-ringed river basin in the Nation still virtually unaffected by technological human activity ... an essential		5,880,000.00 acres	Established as a national preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh-1(a). Now a national preserve of 6,275,935 acres.	Jimmy Carter

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<u>Monument</u>	<u>Specific Object(s)</u>	<u>Categorical Object(s)</u>	<u>Initial Reservation</u>	<u>Subsequent History/ Current Status</u>	<u>President</u>
100. Wrangell-St. Elias, AK. Proc. No. 4625 (Dec. 1, 1978), 93 Stat. 1470	base against which scientists may judge environmental dynamics of the future" (Proc. No. 4624)				
	Mt. St. Elias; Mt. Wrangell; Malaspina Glacier; Kennecott Copper Works; "the greatest assemblage of mountain peaks over 14,500 feet ... found in the Nation ... an active glacial complex ... mudcones and hot springs ... ecological islands ... [t]hree major culture areas converge here ... the North Athapascans, the Pacific Eskimo, and the Chugach" (Proc. No. 4625)		10,950,000.0 0 acres	Established as a NP and national preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(9). Now a NP of 7,656,394.06 acres and a national preserve of 3,992,209.55 acres.	Jimmy Carter
101. Yukon-Charley, AK. Proc. No. 4626 (Dec. 1, 1978), 93 Stat. 1472	"historic remains of early mining activity ... fossils estimated to be 700 million years old ... Ice Age fossils ... relict Pleistocene plant communities"; "outstanding paclontological resources and ecologically diverse natural resources ... a nearly unbroken visible series of rock strata representing a range in geologic		1,720,000.00 acres	Established as Yukon-Charley Rivers National Preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(10). Now a national preserve of 2,183,093 acres.	Jimmy Carter

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<u>Monument</u>	<u>Specific Object(s)</u>	<u>Categorical Object(s)</u>	<u>Initial Reservation</u>	<u>Subsequent History/ Current Status</u>	<u>President</u>
102. Yukon Flats, AK. Proc. No. 4627 (Dec. 1, 1978), 93 Stat. 1473	time from pre-Cambrian to Recent" (Proc. No. 4626)  "largest and most complete example of an interior Alaska solar basin ... unique race of salmon ... rich population of furbearers"; "opportunity to investigate the life and society of the peoples which utilized these resources [furbearers]" (Proc. No. 4627)		10,600,000 acres	Established as Yukon Flats NWR by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2388. Now a NWR of 8,630,000 acres.	Jimmy Carter

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## Exhibit - E

## PRESIDENTS AND THE ANTIQUITIES ACT

The following lists units and approximate acreage affected by each President. Where acreage figures are not given they are not available.

Theodore Roosevelt (1906 (Antiquities Act enacted) -1909)

Chaco Canyon National Monument	10,643.13
Cinder Cone National Monument	5,120
Devil's Tower National Monument	1,152.91
El Morro National Monument	160
Gila Cliff Dwellings National Monument	160
Grand Canyon I National Monument	808,120
Lassen Peak National Monument	1,280
Lewis & Clark National Monument	160
Montezuma Castle National Monument	161.39
Mount Olympus National Monument	639,000
Muir Woods National Monument	295
Natural Bridges National Monument	120
Petrified Forest National Monument	60,776.02
Pinnacles National Monument	1,320
Tonto National Monument	640
Tumacacori National Monument	10
Wheeler National Monument	300

William H. Taft (1909-1913)

Big Hole Battlefield National Monument	655.61
Colorado National Monument	13,466.21
Devils Postpile National Monument	798.46
Gran Quivira National Monument	183.77
Lewis and Clark National Monument	160
Mount Olympus National Monument	
Mukuntuweap (Zion) National Monument	16,000
Natural Bridges National Monument	120
Navajo National Monument	360
Oregon Caves National Monument	465.8
Petrified Forest National Monument	
Rainbow Bridge National Monument	160
Shoshone Cavern National Monument	210
Sitka National Monument	51.26

Woodrow Wilson (1913-1921)

Bandelier National Monument	23,352
Cabrillo National Monument	.50
Capulin Mountain National Monument	640.42
Casa Grande National Monument	480
Dinosaur National Monument	80
Gran Quivira National Monument	
Katmai National Monument	1,088,000
Mount Olympus National Monument	
Mukuntuweap (Zion) National Monument	76,800

Natural Bridges National Monument	2,740
Old Kasaan National Monument	43
Papago Saguaro National Monument	2,050.43
Scotts Bluff National Monument	2,503.83
Sieur de Monts National Monument	5,000
Walnut Canyon National Monument	960
Verendrye National Monument	253.04
Yucca House National Monument	10
 <u>W.G. Harding (1921-1923)</u>	
Bryce Canyon National Monument	7,440
Carlsbad Cave National Monument	719.22
Fossil Cycad National Monument	320
Hovenweep National Monument	285.8
Lehman Caves National Monument	593.03
Mound City Group National Monument	57
Papago Saguaro	-110
Pinnacles National Monument	0
Pipe Spring National Monument	250
Timpanogos Cave National Monument	
 <u>Calvin Coolidge (1923-1929)</u>	
Castle Pinckney National Monument	3.5
Chaco Canyon National Monument	
Chiricahua National Monument	3,655.12
Craters of the Moon National Monument	22,651.8
Dinosaur National Monument	
Father Millet Cross National Monument	.0074
Fort Marion (Castillo de San Marcos) National Monument	18.51
Fort Matanzas National Monument	1.00
Fort Pulaski National Monument	20
Glacier Bay National Monument	2,560,000
Lava Beds National Monument	45,589.92
Meriwether Lewis National Monument	50
Pinnacles National Monument	
Statue of Liberty National Monument	2.5
Wupatki National Monument	2,234.1
 <u>Herbert Hoover (1929-1933)</u>	
Arches National Monument	4,520
Bandelier National Monument	
Black Canyon of the Gunnison National Monument	10,287.95
Colorado National Monument	
Craters of the Moon National Monument	
Death Valley National Monument	1,601,800
Grand Canyon II National Monument	273,145
Great Sand Dunes National Monument	35,528.36
Holy Cross National Monument	1,392
Katmai National Monument	
Mount Olympus National Monument	
Petrified Forest National Monument	11,010
Pinnacles National Monument	

Saguaro National Monument	53,510.08
Scotts Bluff National Monument	3,040
Sunset Crater National Monument	
White Sands National Monument	131,486.84
 <u>Franklin Delano Roosevelt</u> (1933-1945)	
Arches National Monument	29,160
Big Hole Battlefield National Monument	195
Black Canyon of the Gunnison National Monument	2,860
Capitol Reef National Monument	37,060
Cedar Breaks National Monument	5,701.39
Channel Islands National Monument	1,119.98
Craters of the Moon .....	deletion of unknown size
Death Valley National Monument	305,920
Fort Jefferson National Monument	47,125
Fort Laramie National Monument	214.41
Fort Matanzas National Monument	
Glacier Bay National Monument	904,960
Grand Canyon II	-71,854
Jackson Hole National Monument	210,950
Joshua Tree National Monument	825,340
Katmai National Monument	
Meriwether Lewis National Monument	33,631.2
Montezuma Castle National Monument	
Mukuntuweap (Zion) National Monument	49,150
Organ Pipe Cactus National Monument	330,690
Pinnacles National Monument	4,589.26
Scotts Bluff National Monument	46.17
Santa Rosa Island National Monument	9,500
Statue of Liberty National Monument	
Tonto National Monument	
Tuzigoot National Monument	42.67
Walnut Canyon National Monument	
White Sands National Monument	158.91
 <u>Harry S. Truman</u> (1945-1953)	
Aztec Ruins National Monument	1
Channel Islands National Monument	25,600
Death Valley National Monument	40
Effigy Mounds National Monument	1,204
Fort Matanzas National Monument	179
Great Sand Dunes National Monument	
Hovenweep National Monument	80
Hovenweep National Monument	81
Lava Beds National Monument	211
Muir Woods National Monument	504
Sitka National Monument	54.30
 <u>Dwight D. Eisenhower</u> (1953-1961)	
Arches National Monument	-240
Bandelier National Monument	3,600
Black Canyon of the Gunnison National Monument	-470

Cabrillo National Monument	80
Capitol Reef National Monument	3,040
Chesapeake and Ohio Canal National Monument	4,800
Colorado National Monument	-91
Edison Laboratory National Monument	1
Fort Pulaski National Monument	2
Glacier Bay National Monument	-24,925
Great Sand Dunes National Monument	-8,805
Hovenweep National Monument	
White Sands National Monument	478
 <u>John F. Kennedy (1961-1963)</u>	
Bandelier National Monument	-1,043
Buck Island Reef National Monument	850
Craters of the Moon National Monument	5,360
Gila Cliff Dwellings National Monument	375
Natural Bridges National Monument	4,916
Russell Cave National Monument	310
Saguaro National Monument	15,360
Timpanogos Cave National Monument	
 <u>Lyndon B. Johnson (1963-1969)</u>	
Arches National Monument	48,943
Capitol Reef National Monument	215,056
Katmai National Monument	94,547
Marble Canyon National Monument	26,080
Statue of Liberty National Monument	48
 <u>Richard M. Nixon (1969-1973)</u>	
 <u>Gerald R. Ford (1973-1977)</u>	
Buck Island National Monument	30
Cabrillo National Monument	56
 <u>Jimmy Carter (1977-1981)</u>	
Admiralty Island National Monument	1,100,000
Aniakchak National Monument	350,000
Becharof National Monument	1,200,000
Bering Land Bridge National Monument	2,590,000
Cape Krusenstern National Monument	560,000
Denali National Monument	3,890,000
Gates of the Arctic National Monument	8,220,000
Glacier Bay National Monument	550,000
Katmai National Monument	1,370,000
Kenai Fjords National Monument	570,000
Kobuk Valley National Monument	1,710,000
Lake Clark National Monument	2,500,000
Misty Fiords National Monument	2,285,000
Noatak National Monument	5,800,000
Wrangell-St. Elias National Monument	10,950,000
Yukon-Charley National Monument	1,730,000
Yukon Flats National Monument	10,600,000

Ronald W. Reagan (1981-1989)

George Herbert Walker Bush (1989-1993)

## MONUMENTS ON THE COLORADO PLATEAU

Exhibit - F

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
Montezuma Castle, AZ. Proc. No. 696 (Dec. 8, 1906), 34 Stat. 3265	"prehistoric object know as Montezuma's Castle ... of the greatest ethnological value and scientific interest" (Proc. No. 696); "prehistoric ruins and ancient cliff dwellings ... of great interest to the public" (Proc. No. 2226)	"greatest ethnological and scientific interest" (Proc. No. 696).	161.39 acres	Boundary enlarged by Proc. No. 2226 (Feb. 23, 1937), 50 Stat. 1817; Act of Oct. 19, 1943, 57 Stat. 572 (adding a "detached unit"); Act of June 23, 1959, 73 Stat. 108; Act of Nov. 10, 1978, 92 Stat. 3474. Now NM of 840.86 acres.	T. Roosevelt
Chaco Canyon, NM. Proc. No. 740 (March 11, 1907), 35 Stat. 2119	"extensive prehistoric communal or pueblo ruins ... of extraordinary interest because of their number and their great size and because of the innumerable and valuable relics of a prehistoric people which they contain" (Proc. No. 740)		10,643.13 acres	Boundary enlarged by Proc. No. 1826 (Jan. 10, 1928), 45 Stat. 2937. Redesignated and renamed Chaco Culture National Historic Park (NHP) by the Act of Dec. 19, 1980, 94 Stat. 3221, 3227. Now a NHP of 31,084.74 acres.	T. Roosevelt
Grand Canyon "I," AZ. Proc. No. 794 (Jan. 11, 1908), 35 Stat. 2175	"an object of unusual scientific interest, being the greatest eroded canyon within the United States" (Proc. No. 794)	"an object of unusual scientific interest" (Proc. No. 794)	808,120 acres	Now part of Grand Canyon NP, 1,180,617.78 acres; Act of Feb. 26, 1919, 40 Stat. 1175 (codified at 16 U.S.C. §§ 221 <i>et seq.</i> ). (Subsequent boundary changes: establishment of Grand Canyon "II" NM, Proc. No. 2022 (Dec. 22, 1932), 47 Stat. 2547; Marble Canyon NM, Proc. No. 3889 (Jan. 20, 1969), 83 Stat. 924; Grand Canyon NP, Act of Jan. 3, 1975, 33 Stat. 2089, incorporating original	T. Roosevelt

All acreage figures are estimated federal acreage where available, but may in some cases be total acreage.

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
Natural Bridges, UT. Proc. No. 804 (April 16, 1908), 35 Stat. 2183	"a number of natural bridges ... having heights more lofty and spans far greater than any heretofore known to exist ... of the greatest scientific interest ... extraordinary examples of stream erosion" (Proc. No. 804); "prehistoric cave springs" (Proc. No. 881); "additional cliff-type prehistoric Indian ruins" (Proc. No. 3486)	"greatest scientific interest" (Proc. No. 804)	120.00 acres	Grand Canyon NP, Grand Canyon "II" NM, Marble Canyon NM, and portions of Glen Canyon and Lake Mead National Recreation Areas).	T. Roosevelt
Navajo, AZ. Proc. No. 873 (March 20, 1909). 36 Stat. 2491.	"a number of prehistoric cliff dwellings and pueblo ruins ... which are new to science and wholly unexplored, and because of their isolation and size are of the very greatest ethnological, scientific and educational interest" (Proc. No. 873)	"very greatest ethnological, scientific and educational interest" (Proc. No. 873)	360.00 acres	Boundary enlarged - Proc. No. 881 (Sept. 25, 1909), 36 Stat. 2502; Proc. No. 1323 (Feb. 11, 1916), 39 Stat. 1764; Proc. No. 3486 (Aug. 14, 1962), 76 Stat. 1495. Now NM of 7,636.49 acres.	Wm. H. Taft
Mukuntuweap (Zion), UT. Proc. No. 877 (July 31, 1909), 36 Stat. 2498.	"Mukuntuweap Canyon... is an extraordinary example of canyon erosion" (Proc. No. 877); "to the prehistoric races of America and to the ancestral	"greatest scientific interest" (Proc. No. 877); "natural features of unusual archaeologic, geologic, and geographic interest" (Proc.	16,000.00 acres	Name changed and boundary enlarged - Proc. No. 1435 (March 18, 1918), 40 Stat. 1760. Now Natl. Park (Zion NP) - 142,542.05 acres; Act of Nov. 19, 1919, 41 Stat. 356 (several subsequent	Wm. T. Taft

All acreage figures are estimated federal acreage where available, but may in some cases be total acreage.

Monument	Specific Object(s)	Catagorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
	Indian tribes, ... the geologic features include craters of extinct volcanoes, fossiliferous deposits of unusual nature, and brilliantly colored strata of unique composition, among which are some believed to be the best representatives in the world of a rare type of sedimentation ... the features of geographic interest include a labyrinth of remarkable canyons with highly ornate and beautifully colored walls, in which are plainly recorded the geologic events of past ages" (Proc. No. 1435)	No. 1435)		boundary changes)	
Rainbow Bridge, UT. Proc. No. 1043 (May 30, 1910), 36 Stat. 2703.	"an extraordinary natural bridge, having an arch which is in form and appearance much like a rainbow, and which is three hundred and nine feet high and two hundred and seventy-eight feet span ... of great scientific interest as an example of eccentric stream erosion" (Proc. No. 1043)	"great scientific interest" (Proc. No. 1043)	160 acres	now NM of 160.00 acres.	Wm. H. Taft
Colorado, CO. Proc. No. 1126 (May 24,	"extraordinary examples of erosion ... of great scientific	"great scientific interest ... natural formations" (Proc.	13,466.21 acres	Boundary enlarged - Proc. No. 2037 (March 3, 1933), 47 Stat. 2563;	Wm. H. Taft

All acreage figures are estimated federal acreage where available, but may in some cases be total acreage.

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
1911), 37 Stat. 1681.  Dinosaur, CO. Proc. No. 1313 (Oct. 4, 1915), 39 Stat. 1752.	"interest ... natural formations" (Proc. No. 1126)  "an extraordinary deposit of Dinosaurian and other gigantic reptilian remains of the Juratrias period, which are of great scientific interest and value" (Proc. No. 1313)	No. 1126); "features of historical and scientific interest" (Proc. No. 2037)  "great scientific interest and value" (Proc. No. 1313); "various objects of historic and scientific interest" (Proc. No. 2290)		boundary revised - Proc. No. 3307 (Aug. 7, 1959), 73 Stat. 69; Oct. 21, 1976). Nov. 10, 1978. Now NM of 19,925.91 acres.  Boundary enlarged - Proc. No. 2290 (July 14, 1938), 53 Stat. 2454; Act of Sept. 8, 1960, 74 Stat. 857. Boundaries enlarged by Notice of the Secretary of the Interior, Feb. 21, 1963, March 27, 1964, Notice of the Asst. Secretary of the Interior, Oct. 6, 1964, and Notice of the Dir. of the NPS, Aug. 27, 1985. Now NM of 204,355.49 acres.	
Walnut Canyon, AZ. Proc. No. 1318 (Nov. 30, 1915), 39 Stat. 1761.	"certain prehistoric ruins of ancient cliff dwellings ... of great ethnologic, scientific, and educational interest" (Proc. No. 1318)	"great ethnologic, scientific, and educational interest" (Proc. No. 1318); "various objects of historic and scientific interest" (Proc. No. 2300)	80.00 acres	Transferred from NFS to NPS; Aug. 10, 1933; boundary enlarged - Proc. No. 2300 (Sept. 24, 1938), 53 Stat. 2469. Now NM of 2,011.62 acres.	Woodrow Wilson
Bandelier, NM. Proc. No. 1322 (Feb. 11, 1916), 39 Stat. 1764.	"certain prehistoric ruins ... of unusual ethnologic, scientific, and educational interest ... relics of a vanished people" (Proc. No. 1322); "pueblo-type archaeological ruins" (Proc. No. 3388); "prehistoric aboriginal ruins ... unusual	"unusual ethnologic, scientific, and educational interest" (Proc. No. 1322)	960.00 acres	Transferred from NFS to NPS, Feb. 25, 1932; boundary enlarged - Proc. No. 1991 (Feb. 25, 1932), 47 Stat. 2503; Proc. No. 3388 (Jan. 9, 1961), 75 Stat. 1014; Proc. No. 3539 (May 27, 1963), 77 Stat. 1066; wilderness designated, Act of Oct. 20, 1976, 90 Stat. 2692. Now NM of 32,737.20	Woodrow Wilson

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<u>Monument</u>	<u>Specific Object(s)</u>	<u>Categorical Object(s)</u>	<u>Initial Reservation</u>	<u>Subsequent History/ Current Status</u>	<u>President</u>
Chiricahua, AZ. Proc. No. 1692 (April 18, 1924), 43 Stat. 1946	"certain natural formations, known as 'The Pinnacles,' of scientific interest" (Proc. No. 1692)	1664) "scientific interest" (Proc. No. 1692); "objects of historic and scientific interest" (Proc. No. 2288)	3,655.12 acres	Now a NM of 11,982.38 acres boundary changes).	W.G. Harding
Wupatki, AZ. Proc. No. 1721 (Dec. 9, 1924), 43 Stat. 1977.	"two groups of prehistoric ruins built by the ancestors of a most picturesque tribe of Indians still surviving in the United States, the Hopi or People of Peace" (Proc. No. 1721)	"prehistoric remains" (Proc. No. 1721); "prehistoric and archaeological ruins of historic and scientific interest" (Proc. No. 2243)	2234.10 acres	Boundary enlarged - Proc. No. 2243 (July 9, 1937), 50 Stat. 1841; lands excluded - Proc. No. 2454 (Jan. 22, 1941), 55 Stat. 1608; boundary revised - Act of Aug. 10, 1961, 75 Stat. 337. Now NM 35,253.24 acres.	Calvin Coolidge
Arches, UT. Proc. No. 1875 (April 12, 1929), 46 Stat. 2988.	"extraordinary examples of wind erosion in the shape of gigantic arches, natural bridges, "windows," spires, balanced rocks, and other unique wind-worn sandstone formations, the preservation of which is desirable because of their educational and scenic value" (Proc. No. 1875)	"educational and scenic value" (Proc. No. 1875); "geologic and prehistoric structures of historic and scientific interest" (Proc. No. 2312); "outstanding interest" (Proc. No. 3360); "objects of geological and scientific interest to complete the geologic story presented at the monument" (Proc. No. 3887)	4,833.63 acres	Boundary enlarged - Proc. No. 2312 (Nov. 25, 1938) 53 Stat. 2504; boundary revised - Proc. No. 3360 (July 22, 1960), boundary revised - Proc. No. 3360 (July 22, 1960), 74 Stat. c79; boundary enlarged - Proc. No. 3887 (Jan. 20, 1969), 83 Stat. 920. Now Natl. Park (Arches NP) - 66,343.51 acres; Act of Nov. 12, 1971, 85 Stat. 422 (codified at 16 U.S.C. § 272).	Herbert Hoover, F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson
Sunset Crater, AZ. Proc. No. 1911 (May 26, 1930), 46 Stat. 3023.	(Establishing Proc. No. 1911 lists no specific objects)	"certain geologic formations ... of scientific and public interest" (Proc. No. 1911)	3,040.00 acres	Transferred from NFS to NPS, Aug. 10, 1933. Name changed to Sunset Crater Volcano NM by Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3222.	Herbert Hoover

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<u>Monument</u>	<u>Specific Object(s)</u>	<u>Catagorical Object(s)</u>	<u>Initial Reservation</u>	<u>Subsequent History/ Current Status</u>	<u>President</u>
2221 (Jan. 22, 1937), 50 Stat. 1809	"scientific value, and ... various other objects of geological and scientific interest" (Proc. No. 2221)	"scientific interest" (Proc. No. 2221)	acres	11, 1956, 70 Stat. 527. Subsequent boundary changes. Now a NP of 143,040.40.	Roosevelt
Capitol Reef, UT. Proc. No. 2246 (Aug. 2, 1937), 50 Stat. 1856	"narrow canyons displaying evidence of ancient sand-dune deposits of unusual scientific value, and ... various other objects of geological and scientific interest" (Proc. No. 2246)	"geological and scientific interest" (Proc. No. 2246)	32,607.31 acres	Boundary enlarged by Proc. No. 3249 (July 2, 1958), 72 Stat. 48; Proc. No. 3888 (Jan. 20, 1969), 83 Stat. 922. Redesignated Capitol Reef NP by the Act of Dec. 18, 1971, 85 Stat. 739, codified at 16 U.S.C. § 273. Now a NP of 222,753.35	F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson
Marble Canyon, AZ. Proc. No. 3889 (Jan. 20, 1969), 83 Stat. 924	"the Marble Canyon of the Colorado River in Arizona, a northerly continuation of the world-renowned Grand Canyon, possesses unusual geologic and paleontologic features and objects and other scientific and natural values" (Proc. No. 3889)	"unusual geologic and paleontologic features and objects and other scientific and natural values" (Proc. No. 3889)	32,546.69 acres	Now part of Grand Canyon NP, established by the Act of Jan. 3, 1975, 88 Stat. 2089, incorporating the existing Grand Canyon NP, Grand Canyon II NM, Marble Canyon NM, and portions of Glen Canyon and Lake Mead National Recreation Areas. Now part of a NP of 1,189,641.37	Lyndon B. Johnson

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*Administration of William J. Clinton, 1996 / Sept. 18*

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and celebrate the freedom and protection that it has always afforded us.

In commemoration of the signing of our Constitution and in recognition of the importance of informed, responsible citizenship, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 153), designated September 17 as "Citizenship Day," and by joint resolution of August 2, 1956 (36 U.S.C. 159), requested the President to proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week."

**Now, Therefore, I, William J. Clinton,** President of the United States of America, do hereby proclaim September 17, 1996, as Citizenship Day and September 17 through September 23, 1996, as Constitution Week, and urge all Americans to join in observing these occasions with appropriate programs and activities.

**In Witness Whereof,** I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred and ninety six, and of the Independence of the United States of America the two hundred and twenty first.

**William J. Clinton**

[Filed with the Office of the Federal Register, 11:22 a.m., September 18, 1996]

NOTE: This proclamation was published in the *Federal Register* on September 19.

**Letter to Speaker Newt Gingrich on Legislation Prohibiting Possession of Firearms by Domestic Violence Offenders**

*September 17, 1996*

*Dear Mr. Speaker:*

I am pleased that you have now joined me in supporting legislation to prohibit domestic violence offenders from obtaining firearms. No one who has committed an act of domestic violence against a spouse or child should be able to possess a firearm.

As you know, Senator Lautenberg and Representative Torricelli have introduced legislation that would achieve this objective. The Senate passed the Lautenberg bill for the second time last week by an overwhelm-

ing and bipartisan vote of 97-2. It is now time for the House to act on the Torricelli bill and join the Senate in supporting this bipartisan effort.

There were 88,500 incidents of domestic violence where a firearm was present in 1994. I signed the Brady Law in 1993 and to date it has prevented over 60,000 felons, fugitives and others from buying handguns. My 1994 Crime Bill included the historic Violence Against Women Act, which made it a crime for stalkers and harassers under restraining orders to carry a gun. That provision is beginning to take hold in Kentucky alone, over 300 stalkers and harassers were prohibited from buying firearms in one year. The legislation that you now support will build upon these important provisions.

I welcome your support and determination to complete this job. Protecting innocent women and children from deadly domestic violence is too important to let anything stand in the way. Bringing this bill to a vote in the House is an important step. But we must see it through to the end. Send it to me for my signature without further delay before Congress adjourns so that keeping guns out of the hands of all domestic violence offenders becomes the law of the land.

Sincerely,

**Bill Clinton**

NOTE: This letter was released by the Office of the Press Secretary on September 18.

**Remarks Announcing the Establishment of the Grand Staircase-Escalante National Monument at Grand Canyon National Park, Arizona**

*September 18, 1996*

Thank you very much, ladies and gentlemen. Thank you for being here and for being in such good spirits. Thank you, God, for letting the Sun come out. This is a sunny day we ought to have a sunny day for a sunny day.

Thank you, Rob Arnberger, for the work you do here at Grand Canyon National Park and for your participation; to all of our distinguished guests. I want to say a special word

of thanks to my good friend Governor Roy Romer from Colorado. And thank you, Secretary Bruce Babbitt, for your long, consistent, devoted efforts on behalf of America's natural heritage.

I also want to thank the Harvey High School choir and the students and the faculty from the Grand Canyon Unified School who are here. Where are you all? Thank you. I think this ought to qualify as an excused absence [*laughter*] or maybe even a field trip.

I want to thank all of our tribal leaders who are here and, indeed, all of the Native Americans who are here. We are following in your footsteps and honoring your ethic today.

I want to say a special word of thanks to my longtime friend Norma Matheson. Norma and her late husband, Scott, became great friends of Hillary's and mine when we served together as Governors. After Scott passed away, Norma honored me by asking me to come to Utah to speak at a dinner in his honor for a foundation set up in his memory. I never was with Scott Matheson, I never even talked to him on the phone that I did not feel I was in the presence of a great man. Both of them are truly wonderful human beings. And I am very grateful for her presence here today and for her commitment.

And finally, I want to thank, more strongly than I can ever convey to you, the Vice President for his passion, his commitment, his vision, and his sheer knowledge of environmental and natural heritage issues. It has become a treasure for the United States, and I have mined it frequently for 4 years.

I remember when I was trying to decide what sort of person I wanted to ask to run with me for Vice President, and I made up my mind I wanted somebody who was smarter than I was that left a large field to pick from [*laughter*] someone who was philosophically in tune with me, someone who would work like crazy, and someone who knew things I didn't know. And I read "Earth in the Balance," and I realized it was a profoundly important book by someone who knew things I wanted to learn. And we have learned a lot and done a lot together over the last 4 years. Very few things we have done

will have a more positive, lasting effect than this, and it will always have Al Gore's signature on it as well. And I thank him for what he has done.

Ladies and gentlemen, the first time I ever came to the Grand Canyon was also in 1971 in the summer. And one of the happiest memories of my entire life was when, for some fluky reason, even in the summertime, I found a place on a rock overlooking the Grand Canyon where I was all alone. And for 2 hours I sat, and I lay down on that rock, and I watched the sunset. And I watched the colors change layer after layer after layer for 2 hours. I could have sat there for 2 days if the Sun had just taken a little longer to set. [*Laughter*] And even today, 25 years later, in hectic, crazy times, in lonely, painful times, my mind drifts back to those 2 hours that I was alone on that rock watching the sunset over this Canyon. And it will be with me till the day I die. I want more of those sights to be with all Americans for all time to come.

As all of you know, today we are keeping faith with the future. I'm about to sign a proclamation that will establish the Grand Staircase Escalante National Monument. Why are we doing this? Well, if you look at the Grand Canyon behind me, it seems impossible to think that anyone would want to touch it. But in the past there have been those who wanted to build on the Canyon, to blast it, to dam it. Fortunately, these plans were stopped by far sighted Americans who saw that the Grand Canyon was a national treasure, a gift from God that could not be improved upon.

The fact that we stand here is due, in large part, to the Antiquities Act of 1906. The law gives the President the authority to protect Federal lands of extraordinary cultural, historic, and scientific value, and in 1908 that's just what Theodore Roosevelt did when he protected the Grand Canyon.

Since then, several Presidents of both parties, Republicans and Democrats, have worked to preserve places that we now take for granted as part of our own unchanging heritage: Bryce Canyon, Zion, Glacier Bay, Olympic, Grand Teton. These places many of you have been to, and I've been to many of them myself. I thank goodness that the

*Administration of William J. Clinton, 1996 / Sept. 18*

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Antiquities Act was on the books and that Presidents, without regard to party, used it to protect them for all of us and for generations to come.

Today we add a new name to that list: the Grand Staircase Escalante National Monument. Seventy miles to the north of here in Utah lies some of the most remarkable land in the world. We will set aside 1.7 million acres of it.

On this site, on this remarkable site, God's handiwork is everywhere in the natural beauty of the Escalante Canyons and in the Kaiparowits Plateau, in the rock formations that show layer by layer billions of years of geology, in the fossil record of dinosaurs and other prehistoric life, in the remains of ancient American civilizations like the Anasazi Indians.

Though the United States has changed and Utah has grown, prospered, and diversified, the land in the Utah monument remains much as it did when Mormon pioneers made their way through the Red Canyons in the high desert in the late 1800's. Its uniquely American landscape is now one of the most isolated places in the lower 48 States. In protecting it, we live up to our obligation to preserve our natural heritage. We are saying very simply, "Our parents and grandparents saved the Grand Canyon for us; today, we will save the Grand Escalante Canyons and the Kaiparowits Plateaus of Utah for our children."

Sometimes progress is measured in mastering frontiers, but sometimes we must measure progress in protecting frontiers for our children and all children to come. Let me make a few things about this proclamation clear: First, it applies only to Federal lands, lands that belong already to the American people. Second, under the proclamation, families will be able to use this canyon as they always have: The land will remain open for multiple uses including hunting, fishing, hiking, camping, and grazing. Third, the proclamation makes no Federal water rights claims. Fourth, while the Grand Staircase Escalante will be open for many activities, I am concerned about a large coal mine proposed for the area. Mining jobs are good jobs, and mining is important to our national economy and to our national security. But we

can't have mines everywhere, and we shouldn't have mines that threaten our national treasures.

That is why I am so pleased that PacifiCorp has followed the example set by Crown Butte New World Mine in Yellowstone. PacifiCorp has agreed to trade its lease to mine coal on these lands for better, more appropriate sites outside the monument area. I hope that Andalex, a foreign company, will follow PacifiCorp's example and work with us to find a way to pursue its mining operations elsewhere.

Now, let me also say a word to the people of Utah. Mining revenues from Federal and State lands help to support your schools. I know the children of Utah have a big stake in school lands located within the boundaries of the monument that I am designating today. In the past these scattered school lands have never generated significant revenues for the Utah school trust. That's why Governor Scott Matheson, one of the greatest public figures in the history of Utah, asked the Congress to authorize the exchange of nonrevenue producing lands for other Federal lands that can actually provide revenue for the school trust.

Finally, I was able to sign legislation to accomplish that goal in 1993. And I will now use my office to accelerate the exchange process. I have directed Secretary Babbitt to consult with Governor Leavitt, Congressman Orton, Senators Bennett and Hatch to form an exchange working group to respond promptly to all exchange requests and other issues submitted by the State and to resolve reasonable differences in valuation in favor of the school trust. By taking these steps, we can both protect the natural heritage of Utah's children and ensure them a quality educational heritage.

I will say again, creating this national monument should not and will not come at the expense of Utah's children. Today is also the beginning of a unique 3 year process during which the Bureau of Land Management will work with State and local governments, Congressman Orton, and the Senators and other interests to set up a land management process that will be good for the people of Utah and good for Americans. And I know

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*Sept. 18 / Administration of William J. Clinton, 1996*

a lot of you will want to be involved in that and to be heard as well.

Let us always remember, the Grand Staircase Escalante is for our children. For our children we have worked hard to make sure that we have a clean and safe environment, as the Vice President said. I appreciate what he said about the Yellowstone, the Mojave Desert, the Everglades, the work we have done all across this country to try to preserve our natural heritage and clean up our environment. I hope that we can once again pursue that as an American priority without regard to party or politics or election seasons. We all have the same stake in our common future.

If you'll permit me a personal note, another one, it was 63 years ago that a great Democrat first proposed that we create a national monument in Utah's Canyonlands. His name was Harold Ickes. He was Franklin Roosevelt's Interior Secretary. And I'm sorry he never got a chance to see that his dream would become a reality, but I'm very glad that his son and namesake is my Deputy Chief of Staff and is here today.

And it was 30 years before that, 93 years ago, that a great Republican President, Theodore Roosevelt, said we should make the Grand Canyon a national monument. In 1903, Teddy Roosevelt came to this place and said a few words from the rim of the Canyon I'd like to share with you as we close today:

"Leave the Grand Canyon as it is. You can not improve upon it. What you can do is keep it for your children, your children's children, all who come after you. We have gotten past the stage when we are pardoned if we treat any part of our country as something to be skinned for. The use of the present generation, whether it is the forest, the water, the scenery, whatever it is, handle it so that your children's children will get the benefit of it."

It was President Roosevelt's wisdom and vision that launched the Progressive Era and prepared our Nation for the 20th century. Today we must do the same for the 21st century. I have talked a lot about building a bridge of possibility to that 21st century, by meeting our challenges and protecting our values. Today the Grand Staircase Escalante

National Monument becomes a great pillar in our bridge to tomorrow.

Thank you, and God bless you all.

NOTE: The President spoke at 12:10 p.m. outside El Tovar Lodge. In his remarks, he referred to Rob Arnberger, Superintendent, Grand Canyon National Park; Norma Matheson, widow of former Utah Gov. Scott Matheson; and Gov. Michael O. Leavitt of Utah.

## **Proclamation 6920—Establishment of the Grand Staircase-Escalante National Monument**

*September 18, 1996*

*By the President of the United States of America*

### ***A Proclamation***

The Grand Staircase Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument in

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - CENTRAL DIVISION

UTAH ASSOCIATION OF COUNTIES, on  
behalf of its members

Plaintiffs,

vs.

GEORGE W. BUSH, in his official capacity  
as PRESIDENT OF THE UNITED STATES,  
et al.,

Defendants.

and

SOUTHERN UTAH WILDERNESS  
ALLIANCE, et al.,

Defendants-Intervenors.

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MOUNTAIN STATES LEGAL  
FOUNDATION, on behalf of its members

Plaintiffs,

vs.

GEORGE W. BUSH, in his official capacity  
as PRESIDENT OF THE UNITED STATES,  
et al.,

Defendants.

and

SOUTHERN UTAH WILDERNESS  
ALLIANCE, et al.,

Defendants-Intervenors.

**OPINION AND ORDER**

Case No. 2:97CV0479  
2:97CV0863

Entered on docket

4-19-04 by:  
Ronnie King  
Deputy Clerk

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DOI-2019-06 02646

## **INTRODUCTION**

The present matter comes before the Court on defendants' Motion to Dismiss or in the alternative for Summary Judgment and plaintiffs' Motions for Summary Judgment. The motions were argued before the Court on January 15, 2004. The Court has considered the legal briefs and oral arguments of the respective parties and enters the following Opinion and Order.

## **BACKGROUND**

### **A. THE LAWSUITS AND THEIR CONTENTIONS**

On September 18, 1996, President William Jefferson Clinton, invoking his authority under the Antiquities Act, designated 1.7 million acres of federal land in southeastern Utah as the Grand Staircase-Escalante National Monument. On June 23, 1997, the Utah Association of Counties, (UAC) filed this lawsuit challenging the President's actions, naming as defendants the United States of America, William J. Clinton in his official capacity as President of the United States, Kathleen McGinty in her official capacity as chair of the Council on Environmental Quality (CEQ), Secretary of the Interior Bruce Babbitt, the United States Department of the Interior (DOI), and Patrick Shea, Director of the Bureau of Land Management (BLM).

On November 5, 1997 Mountain States Legal Foundation (MSLF) filed a similar suit against defendants Clinton, Babbitt, and the United States of America. A month later, MSLF filed an amended complaint, which added defendant McGinty. UAC's and MSLF's cases were consolidated.<sup>1</sup>

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<sup>1</sup> Pursuant to Federal Rules of Civil Procedure 25(d)(1), defendants have since been substituted to reflect a presidential and administration change. Current individual defendants are now President George W. Bush; CEQ Chair James L. Connaughton; Department of the Interior Secretary Gale Norton and Bureau of Land Management Director Kathleen Clarke.

Plaintiffs allege:

- 1) The Antiquities Act is unconstitutional because it violates the delegation doctrine.

Plaintiffs claim that only Congress has the authority to withdraw such lands from the federal trust.

- 2) By creating the Grand Staircase Monument the President acted *ultra vires* and violated the following provisions of the United States Constitution:

- a) the Property Clause, U.S. Const., Art. IV, § 3, cl. 2; because the authority to manage federal lands rests exclusively with Congress; and
  - b) the Spending Clause, U.S. Const., Art. I, § 8, cl. 1; because only Congress has the authority to obligate money which will be drawn from the Treasury to purchase private property.

- 3) By creating the Grand Staircase Monument the President violated:

- a) the Antiquities Act, 16 U.S.C. § 431; because he failed to designate the requisite objects of historic or scientific value and he did not limit the size of the monument to the “smallest area” necessary to preserve the objects.

- b) the Wilderness Act, 16 U.S.C.A. § 1131 *et seq.*; because the President established as *de facto* wilderness areas within the Grand Staircase Monument, and only Congress has the authority to designate public lands as wilderness.

- c) Executive Order 10355, because the President, rather than the Secretary of the Interior, withdrew the land.

- 4) By creating the Grand Staircase Monument the President and/or one or more of the other defendants violated:

a) the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332 *et seq.*; because the joint activities of the Department of the Interior and CEQ were carried out independently of the President and were in fact initiated by DOI, and therefore these actions required the preparation of an Environmental Impact Statement (EIS) and compliance with other NEPA regulations, which did not happen.

b) the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1701 *et seq.*; because the President's withdrawal of public lands did not comply with FLPMA's withdrawal, notice and land use planning provisions.

c) the Federal Advisory Committee Act (FACA), 5 U.S.C. app 2; because advice and recommendations were received by the President and other defendants from various individuals who constituted an "advisory committee" within the meaning of FACA and therefore required compliance with FACA's procedural standards.

d) The Anti-Deficiency Act, 31 U.S.C. § 1341; because an improper appropriation was created.

Both plaintiffs seek summary judgment as to all of the above claims.

All of the defendants seek dismissal or in the alternative summary judgment as to all claims. They challenge the Court's jurisdiction to hear the case under the doctrines of standing (as to MSLF only), ripeness and lack of judicial review authority. As to the plaintiffs' claims of violations of the United States Constitution and federal statutes, the defendants seek dismissal as a matter of law.

## 1. THE ANTIQUITIES ACT

The Antiquities Act of 1906, 16 U.S.C. § 431, gives the President authority to create

national monuments.<sup>2</sup> Since its enactment, presidents have used the Antiquities Act more than 100 times to withdraw lands from the public domain as national monuments. President Clinton's use of the Antiquities Act to create the Grand Staircase Monument in 1996 was the first use of the Antiquities Act in more than two decades. The Antiquities Act authorizes the President, "in his discretion," to establish as national monuments "objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States." *Id.* The Act requires the president to reserve land confined to the "smallest area compatible with the proper care and management of the objects to be protected." *Id.* For purposes of this litigation, it is helpful to look to the creation of the Act and how it has been used and interpreted since its creation in 1906.

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<sup>2</sup> The full text of the Act reads as follows:

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

The original purpose of the proposed Act was to protect objects of antiquity.<sup>3</sup> The substance of the Act, developed over a period of more than six years, was created in response to the demands of archaeological organizations. Although the scope of the archaeological organizations' proposals was limited to preservation of antiquities on federal lands, the United States Department of the Interior proposed adding the protection of scenic and scientific resources to the Act. For six years Congress rejected attempts to include the Department's proposal. It appears, however, that Congress was unable to pass the limited archaeologists' bill because of bureaucratic delays and various disagreements between museums and universities seeking authority to excavate ruins on public lands. *See Richard M. Johannsen, Public Land Withdrawal Policy and the Antiquities Act, 56 Wash. L. Rev. 439, 448 (1981).*

Edgar Lee Hewitt, a prominent archaeologist, drafted the bill that was finally enacted in 1906. Government officials persuaded Hewitt to broaden the scope of his draft by including the phrase "other objects of historic or scientific interest." This phrase essentially allowed the Department of the Interior's proposal, which Congress had previously rejected, to be included in the final bill. In addition, while earlier proposals had limited the reservations to 320 or at the most 640 acres, Hewitt's draft allowed the limit to be set according to "the smallest area compatible with the proper care and management of the objects to be protected." Despite the presence of this broader language, there is some support for the proposition that Congress

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<sup>3</sup> The phrase "objects of antiquity," while not in § 431 but found in § 433, has commonly been interpreted to include such items as paleontological and archaeological artifacts. When interpreting its precise meaning, however, courts have disagreed with the adequacy of the phrase. *See e.g., U.S. v. Diaz, 499 F.2d 113, 114-5 (9<sup>th</sup> Cir. 1974)* (finding that the phrase "objects of antiquity" was "fatally vague in violation of the due process clause of the Constitution."); *but see U.S. v. Smyer, 596 F.2d 939, 941 (10<sup>th</sup> Cir. 1979)* (holding that "when measured by common understanding and practice," the phrase was sufficiently definite to define the protected object).

intended to limit the creation of national monuments to small land areas surrounding specific objects. Illustrative of this intent is House Report No. 2224, which states “[t]here are scattered throughout the southwest quite a large number of very interesting ruins . . . [t]he bill proposes to create small reservations reserving only so much land as may be absolutely necessary for the preservation of these interesting relics.” H.R. REP. NO. 2224, 59<sup>TH</sup> CONGRESS, 1<sup>ST</sup> SESS. at 1 (1906).

Despite what may have been the intent of some members of Congress, use of the Antiquities Act has clearly expanded beyond the protection of antiquities and “small reservations” of “interesting ruins.” Nothing in the language of the Act specifically authorizes the creation of national monuments for scenic purposes or for general conservation purposes. Nonetheless, several presidents have used the Act to withdraw large land areas for scenic and general conservation purposes. President Theodore Roosevelt was the first president to withdraw land under the Act, establishing a precedent other presidents later followed to create large scenic monuments. Within two years of enactment of the Act, President Roosevelt made eighteen withdrawals of land.<sup>4</sup>

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<sup>4</sup> The national monuments created by President Theodore Roosevelt:  
9/24/06 Devils Tower, WY  
12/8/06 El Morro, NM  
12/8/06 Montezuma Castle, AZ  
12/8/06 Petrified Forest, AZ  
3/11/07 Chaco Canyon, NM  
5/6/07 Cinder Cone, CA  
5/6/07 Lassen Peak, CA  
11/16/07 Gila Cliff Dwellings, NM  
12/19/07 Tonto, AZ  
1/9/08 Muir Woods, CA  
1/11/08 Grand Canyon, AZ  
1/16/08 Pinnacles, CA  
2/7/08 Jewel Cave, SD  
4/16/08 Natural Bridges, UT

Several monuments have been created within the general vicinity of the Grand Staircase Monument. In Utah alone, there are six such national monuments: Cedar Breaks, Hovenweep, Timpanogos Cave, Dinosaur, Rainbow Bridge, and Natural Bridges. Surrounding areas in Colorado and Arizona have also been designated as monuments under the Antiquities Act. Presidential proclamations creating these monuments cited geologic, paleontologic, archaeologic, and other features similar to those in the Grand Staircase Monument proclamation. Zion National Park to the west of the Grand Staircase Monument was originally Mukuntuweap National Monument, created by President Taft in 1909 to protect its "many natural features of unusual archaeologic, geologic, and geographic interest." See Proclamation No. 877, 36 Stat. 2498. President Wilson enlarged the boundaries of the monument in 1918 and Congress converted it to a national park in 1919.

President Hoover established Utah's Arches National Monument to the northeast of the Grand Staircase Monument in 1929, citing its "unique wind-worn sandstone formation, the preservation of which is desirable because of their educational and scenic value." Proclamation No. 1875, 46 Stat. 2988. Congress designated Arches a National Park in 1971. President Franklin D. Roosevelt established Utah's Cedar Breaks National Monument, located west of the Grand Staircase Monument, in 1933 (Proclamation No. 2054, 48 stat. 1705.), and Capital Reef National Monument, which is located to the immediate east of the Grand Staircase Monument, in 1938. (Proclamation No. 2246, 50 Stat. 1856.)

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5/11/08 Lewis and Clark Cavern, MT  
9/15/08 Tumacacori, AZ  
12/7/08 Wheeler, CO  
3/2/09 Mount Olympus, WA

Coincidentally, during the 1930s, the Franklin D. Roosevelt administration considered the creation of a monument in virtually the same area as the Grand Staircase Monument. President Roosevelt received a recommendation to withdraw 4.4. million acres of Utah's red rock country, creating Escalante National Monument. The Roosevelt administration ultimately rejected the idea, in large part because of local opposition. *See James R. Rasband, Utah's Grand Staircase: The Right Path to Wilderness Preservation?*, 70 U. COLO. L. REV. 483, 488 (1999).

Most of the presidential withdrawals have been uncontroversial. However, there have been several legal challenges to presidential monument designations under the Antiquities Act. Every challenge to date has been unsuccessful. *See Cameron v. United States*, 252 U.S. 450 (1920) (the President's designation of the Grand Canyon as a national monument was a valid use of his authority under the Antiquities Act); *Wyoming v. Franke*, 58 F. Supp. 890 (D.Wyo.1945) (the proclamation creating the Jackson Hole National Monument complied with the standards set forth in the Antiquities Act); *Cappaert v. United States*, 426 U.S. 128 (1976) (presidential proclamation withdrawing the Devil's Hole tract of land and accompanying water from the public domain and combining it with the Death Valley National Monument, explicitly reserved water rights to the federal Government and constituted a valid exercise of presidential authority under the Antiquities Act); *Anaconda Copper Co. v. Andrus*, No. A79-101 (D. Alaska, 1980); *Alaska v. Carter*, 462 F. Supp. 1155 (D. Alaska 1978) (president not subject to requirements of National Environmental Policy Act when proclaiming national monuments under the Antiquities Act).

## **2. THE WILDERNESS ACT**

Also relevant to the present motions is the Wilderness Act, 16 U.S.C. §§ 1131-36 (1964). The Wilderness Act, signed into law in 1964, was intended to preserve the undeveloped character

of designated areas. Prior to passage of the Wilderness Act, the United States Forest Service and the United States National Park Service were the only two federal agencies with a management scheme to preserve wilderness areas. Selection and management of the lands was discretionary. Concerned that some areas were not receiving the necessary protection and perhaps that some were receiving too much, Congress created a means by which a system of wilderness could be created that would provide the appropriate safeguards and that designated Congress alone as the final arbiter of which federal lands would actually achieve status as wilderness areas. *See Leann Foster, Wildlands and System Values: Our Legal Accountability to Wilderness*, 22 VT. L. REV. 917, 921-22 (1998).

The Wilderness Act directed the Secretary of Agriculture and the Secretary of the Interior to review certain lands within their jurisdictions and make recommendations as to their suitability for wilderness classification. *See id.* § 1132 (d)(1). The areas to be studied were identified as Wilderness Study Areas (WSAs). *See id.* § 1131. Once the lands were inventoried, BLM was to conduct a study of each WSA, pursuant to Section 603 of FLPMA, 43 U.S.C. § 1782. The BLM would then make a recommendation to the President, who in turn would recommend to Congress whether any of the WSAs should be designated as wilderness. Until such designation occurs, the administering agency is to manage the WSAs so as not to impair their suitability for possible wilderness classification by Congress. *See* 16 U.S.C. § 1133. Once an area receives actual wilderness status, commercial enterprises, roads, motorized equipment, mining, and oil and gas leasing are prohibited in the wilderness area. *See id.*

Approximately 900,000 acres, roughly one-half of the acreage within the Grand Staircase Monument, are classified as WSAs and therefore preserved for suitability for possible future

preservation as wilderness. Congress has not made a final determination with regard to the WSAs within the Grand Staircase Monument.

### **3. EVENTS LEADING TO THE GRAND STAIRCASE PROCLAMATION**

From 1978 to 1991, the BLM conducted various studies which resulted in a recommendation that 1.9 million acres of WSAs in the state of Utah should receive wilderness designation. This recommendation, which included some of the land now part of the Grand Staircase Monument, was forwarded by then Secretary of the Interior Manuel Lujan to President George H. W. Bush in October, 1991. The recommendation was supported by a final EIS, and more than 11 years of BLM evaluation and public involvement. However, a change in presidential administrations in 1992 ended discussion about the proposed designation.

Regarding Utah wilderness, the new Secretary of the Interior, Bruce Babbitt, disagreed with the recommendations of his predecessor, believing significantly more land should be set aside. In 1994, then BLM Director Jim Baca wrote to an environmental group stating that the 1.9 million acre wilderness recommendation made by former Interior Secretary Lujan was "off the table." However, Secretary Babbitt's ability to undertake a new wilderness study pursuant to Section 603 of FLPMA had expired. Nevertheless, Secretary Babbitt testified before Congress on several occasions, urging that a considerable number of additional wilderness areas should be designated in Utah. Consequently, the 104<sup>th</sup> Congress (1995-96) considered several different Utah wilderness bills, including a bill sponsored by members of Utah's congressional delegation which would designate about two million additional acres of wilderness, which was essentially the same as the previous recommendation from former Secretary Lujan. Also under consideration was a bill sponsored by Congressman Hinchey of New York and supported by

national and Utah environmental groups. The Hinchey bill sought to designate 5.7 million acres of wilderness in Utah. Neither bill reached the floor of the House, and a filibuster precluded a vote in the Senate. Thereafter, Secretary Babbitt directed a second wilderness inventory, the Utah Wilderness Review, in hopes of showing that Congressman Hinchey's proposed 5.7 million acres bill warranted passage. This Utah Wilderness Review included the evaluation of the wilderness characteristics of approximately 800,000 acres of public land now part of the Grand Staircase Monument. Eventually, however, Secretary Babbitt's efforts, along with all other efforts made by those in Congress to establish wilderness in the state of Utah, were unsuccessful.

Plaintiffs contend in this litigation that the lack of success in the effort to designate additional wilderness areas in Utah was a motivating factor behind the President's decision to designate the Grand Staircase Monument. Once the proclamation was announced the affected land was preserved in much the same manner as if it had received wilderness designation.

Plaintiffs assert, and the record appears to support, that another driving force behind Secretary Babbitt's, the DOI's, and eventually the President's efforts to create the Grand Staircase Monument was to prevent the proposed Andalex Smoky Hollow coal mining operation in Kane County, Utah from coming to fruition.<sup>5</sup> Besides supporting Congressman Hinchey's proposed wilderness designation, which would encompass the property proposed for the Smoky Hollow Mine, Secretary Babbitt and the DOI also attacked the validity of the federal Smoky

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<sup>5</sup> The Andalex Smoky Hollow coal mine was designed as an underground mine, affecting approximately 60 acres of surface space, to be located on property that is part of the Kaiparawits coal field. The Kaiparowits coal field is estimated by the Utah Geological Survey to contain 62.3 billion tons of coal, of which at least 11.3 billion tons could be recovered. The estimated total federal royalty payments over time from full production of Kaiparowits coal are approximately \$20 billion, and the State of Utah and Utah counties would have been entitled to 50% of that amount under the Mineral Leasing Act.

Hollow coal leases by attempting to cancel the suspension in the interest of conservation granted to the holders of the coal leases several years earlier by the Utah BLM State Director. The suspension was originally granted to allow Andalex sufficient time to secure mining permits and complete preparation of an EIS.

From the exhibits submitted by plaintiffs, the majority of which were secured by congressional subpoena, it appears that in early 1996, efforts involving various officials within the executive branch of government began discussing the possibility of creating a national monument in Utah by way of a presidential proclamation. Internal memoranda indicate that as early as March 1996, the DOI requested that CEQ or White House officials send a letter to Secretary Babbitt under the President's signature requesting an investigation and recommendations for a Utah national monument. Plaintiffs assert that the reasoning behind the request was to enable defendants to avoid having to comply with NEPA and FLPMA, because the President is not a federal agency and not subject to either NEPA or FLPMA. An internal CEQ memorandum from Ms. McGinty to Todd Stern reveals even broader reasoning behind the request that the President sign a letter to be sent to Secretary Babbitt:

the president will do the utah event on aug 17. however, we still need to get the letter (from the President to Interior Secretary Babbitt) signed asap. the reason: under the antiquities act, we need to build a credible record that will withstand legal challenge that: (1) the president asked the secretary to look into these lands to see if they are of important scientific, cultural, or historic value; (2) the secy undertook that review and presented the results to the president; (3) the president found the review compelling and therefore exercised his authority under the antiquities act. presidential actions under this act have always been challenged, they have never been struck down, however. so, letter needs to be signed asap so that secy has what looks like a credible amount of

time to do his investigation of the matter. we have opened the letter with a sentence that gives us some more room by making it clear that the president and babbitt had discussed this some time ago. [sic] (McGinty, e-mail to Todd Stern, July 29, 1996).

Plaintiffs allege that no such letter was sent to Secretary Babbitt.

From March 1996 to September 18, 1996, DOI officials worked closely with CEQ Director Kathleen McGinty and others to identify the lands to include in the proclamation and the actions needed to ensure that the proclamation would survive judicial scrutiny. In August 1996, the DOI conducted a database and bibliography search to prepare a record to support the proclamation. Some of the reasons for creating Grand Staircase Monument focused on the proposed Smoky Hollow coal mine and contentions that the mine would irreversibly damage the environment and Utah's public lands. These contentions, plaintiffs allege, were contradicted by the BLM's draft EIS.

Following this history, the Proclamation itself took place on September 18, 1996, when President Clinton stood at the south rim of the Grand Canyon in Arizona and announced the establishment of the 1.7 million acre Utah monument. There was virtually no advance consultation with Utah's federal or state officials, which may explain the decision to make the announcement in Arizona. The monument created a good deal of controversy, heightened even more because the presidential election was less than 8 weeks away. In making the announcement, President Clinton emphasized his "concern[] about a large coal mine proposed for the area" and his belief that "we shouldn't have mines that threaten our national treasures."

*Remarks Announcing the Establishment of the Grand Staircase-Escalante National Monument*, 32 Weekly Comp. Pres. Doc. 1785 (Sept. 23, 1996).

In the written Proclamation, President Clinton cited "geologic treasures" as the initial

reason for creation of the monument. *See Proclamation No. 6920, 61 Fed. Reg. 50,223 (1996).* Specifically, the President noted “sedimentary rock layers . . . offering a clear view to understanding the processes of the earth’s formation” and “in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.” *Id.* Secondly, the President cited “world class paleontological sites” as grounds for the Proclamation. *Id.* According to the President, those things in need of protection consisted of “remarkable specimens of petrified wood” and “significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals. . . .” *Id.* Archeological interests in “Anasazi and Fremont cultures” were also said to be “of significant scientific and historic value worthy of preservation for future study.” *Id.* Finally, the President mentioned the “spectacular array of unusual and diverse soils,” “cryptobiotic crusts,” and the “many different vegetative communities and numerous types of endemic plants and their pollinators” as warranting protection since “[m]ost of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance.” *Id.*

The President’s Proclamation designating the monument required that the BLM prepare an approved Monument Management Plan no later than September 18, 1999. The approved Management Plan did not make the September deadline, but was finally approved on February 28, 2000. Since approval of the Monument Management Plan the BLM has been responsible for management of the Grand Staircase Monument.

#### 4. SUMMARY OF OPINION

The record is undisputed that the President of the United States used his authority under the Antiquities Act to designate the Grand Staircase Monument. The record is also undisputed that in doing so the President complied with the Antiquities Act's two requirements, 1) designating, in his discretion, objects of scientific or historic value, and 2) setting aside, in his discretion, the smallest area necessary to protect the objects. With little additional discussion, these facts compel a finding in favor of the President's actions in creating the monument. That is essentially the end of the legal analysis. Clearly established Supreme Court precedent instructs that the Court's judicial review in these circumstances is at best limited to ascertaining that the President in fact invoked his powers under the Antiquities Act. Beyond such a facial review the Court is not permitted to go. *Dalton v. Specter*, 511 U.S. 462 (1994); *Franklin v. Massachusetts*, 505 U.S. 788 (1992). When the President is given such a broad grant of discretion as in the Antiquities Act, the courts have no authority to determine whether the President abused his discretion. See *United States v. George S. Bush & Co., Inc.*, 310 U.S. 371 (1940). To do so would impermissibly replace the President's discretion with that of the judiciary.

This Court has the authority to review whether the President's actions violated the United States Constitution or another federal statute, such as the Wilderness Act. See *Franklin v. Massachusetts*, 505 U.S. at 801; see also *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952); *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935); and *Chamber of Commerce v. Reich*, 74 F.3d 1322, 1327 (D.C. Cir. 1996). In the present case plaintiffs' constitutional and statutory claims are without factual or legal support. Congress clearly had the authority to pass the Antiquities Act of 1906. It is a proper constitutional grant of authority to the President. The

Act itself, and the President's designations pursuant to the Act, are not inconsistent with the Constitution's Property Clause, Spending Clause, or the delegation doctrine; nor is the President's Proclamation in violation of the Wilderness Act or any other federal statute. No statute passed after the Antiquities Act has repealed or amended the Antiquities Act. It stands as valid law. Only Congress has the power to change or revoke the Antiquities Act's grant of virtually unlimited discretion to the President.

As for plaintiffs' myriad claims based on NEPA, FLPMA, FACA and the Anti-Deficiency Act, they too are of no merit. These statutes do not provide for a private right of action. The only way parties such as the plaintiffs here may complain of a violation of these statutes is through the Administrative Procedure Act (APA), which requires a finding of final agency action. Here, there is no such final agency action. The President is not an agency, and the record is undisputed that the actions of the other defendants were only assisting the President in the execution of his discretion under the Antiquities Act.

Plaintiffs' claim that the President's designation of the Grand Staircase Monument violates the Wilderness Act is unavailing. Although a significant percentage of the land in the Grand Staircase Monument may qualify as wilderness under the Wilderness Act, the President did not designate wilderness; he designated a national monument. While the Antiquities Act and the Wilderness Act in certain respects may provide overlapping sources of protection, such overlap is neither novel nor illegal, and in no way renders the President's actions invalid.

Executive Order 10355, adopted by the Executive Branch in 1952, did not eliminate the President's withdrawal authority under the Antiquities Act. The President has no law-making authority. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. at 587. The use of executive

orders may be employed by the President in carrying out his constitutional obligation to see that the laws are faithfully executed and to delegate certain of his duties to other executive branch officials, but an executive order cannot impose legal requirements on the executive branch that are inconsistent with the express will of Congress. Executive Order 10355 by its express terms does not eliminate the President's authority, as granted specifically to the President by Congress. Furthermore, by specifically exempting the Antiquities Act from the reach of FLPMA in 1976, for example, Congress reaffirmed that the Antiquities Act was to continue to not be subjected to requirements that must be followed by lower-level executive officials. Whatever else may be said about the possible reach of Executive Order 10355, it is undisputed that since its passage in 1952 there have been 20 presidential proclamations creating national monuments and none have transferred the exercise of withdrawal authority to the Secretary of the Interior.

## B. DISCUSSION

### 1. JUDICIAL REVIEW<sup>6</sup>

Plaintiffs seek a searching review by this court of the President's actions in creating the Grand Staircase Monument. Both plaintiffs claim the proclamation was *ultra vires* and unconstitutional. MSLF seeks a further determination that the President abused his discretion,

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<sup>6</sup> With respect to the issue of standing to sue, the United States concedes that UAC has standing, but insists MSLF does not. The requirements for an initial showing sufficient to support standing in a case of this nature are relatively lenient, as set forth in *Utah v. Babbitt*, 137 F.3d 1193, (10th Cir. 1998), *Colorado Environmental Coalition v. Wenker*, 353 F.3d 1221 (10th Cir. 2004) and *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). Given this relatively light burden at the present stage of the instant case and recognizing that many of the claims of UAC and MSLF are identical or similar, and in the interest of judicial economy the Court will not further address the standing question in this Opinion. While not expressly finding that MSLF has standing to sue, the Court will address all of the parties' claims, including those advanced solely by MSLF.

asking in particular for a finding that the President violated the Antiquities Act by a) not properly designating objects of scientific or historic value, b) setting aside too much property , and c) using the Act for improper purposes, such as stopping a local coal mining operation and improperly creating wilderness areas. In conducting such a sweeping judicial review, the plaintiffs seek an interpretation of the Antiquities Act that requires a comprehensive examination of the Act's legislative history. The extensive judicial review sought by the plaintiffs is, however, not available in this case.

While there has been some debate among the United States Supreme Court justices as to whether judicial review of executive actions by the President are subject to judicial review at all,<sup>7</sup> recent judgments have indicated the Court's willingness to engage in a narrowly circumscribed form of judicial review. This willingness does not, however, allow judicial review of sufficient scope to assist plaintiffs' cause; long-standing United States Supreme Court precedent has clearly foreclosed the broad review for which plaintiffs contend:

"Whenever a statute gives a discretionary power to any person, to be exercised by him upon his own opinion of certain facts, it is a sound rule of construction, that the statute constitutes him the sole and exclusive judge of the existence of those facts." For the judiciary to probe the reasoning which underlies this Proclamation would amount to a clear invasion of the legislative and executive domains.

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<sup>7</sup>Justice Scalia's concurrence in *Franklin v. Massachusetts* articulates the most restrictive approach possible to the question of whether judicial review of the President's actions is permissible:

I think we cannot issue a declaratory judgment against the President. It is incompatible with his constitutional position that he be compelled personally to defend his executive actions before a court.

505 U.S. 788, 827 (1992). In this formulation, presidential action can be reviewed by seeking an injunction against those bound to enforce a President's directive, but the possibility of direct judicial review of the President's decision, for which plaintiffs contend, is eliminated altogether as inconsistent with "the constitutional tradition of the separation of powers." *Id.* at 828.

*United States v. George S. Bush & Co.*, 310 U.S. 371, 380 (1940) (quoting *Martin v. Mott*, 12 Wheat. 19, 31-32 (1827)). A grant of discretion to the President to make particular judgments forecloses judicial review of the substance of those judgments altogether:

[W]here a claim “concerns not a want of [Presidential] power, but a mere excess or abuse of discretion in exerting a power given, it is clear that it involves considerations which are beyond the reach of judicial power. This must be since, as this court has often pointed out, the judicial may not invade the legislative or executive departments so as to correct alleged mistakes or wrongs arising from asserted abuse of discretion.”

*Dalton v. Specter*, 511 U.S. 462, 474 (1994) (quoting *Dakota Central Telephone Co. v. South Dakota ex rel. Payne*, 250 U.S. 163, 184 (1919)).

If a Court may not review the President’s judgment as to the existence of the facts on which his discretionary judgment is based, the holdings in *Dalton* and *George S. Bush* do leave open one avenue of judicial inquiry. Although judicial review is not available to assess a particular exercise of presidential discretion, a Court may ensure that a president was in fact exercising the authority conferred by the act at issue. Thus, although this Court is without jurisdiction to second-guess the reasons underlying the President’s designation of a particular monument, the Court may still inquire into whether the President, when designating this Monument, acted pursuant to the Antiquities Act.

The Antiquities Act offers two principles to guide the President in making a designation under the Act:

The President of the United States is authorized, in his discretion, to declare by public proclamation . . . objects of historic or scientific interest . . . to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

16 U.S.C. § 431. The Proclamation of which plaintiffs complain speaks in detail of the Monument's natural and archeological resources and indicates that the designated area is the smallest consistent with the protection of those resources. The language of the Proclamation clearly indicates that the President considered the principles that Congress required him to consider: he used his discretion in designating objects of scientific or historic value, and used his discretion in setting aside the smallest area necessary to protect those objects.

It is evident from the language of the Proclamation that the President exercised the discretion lawfully delegated to him by Congress under the Antiquities Act, and that finding demarcates the outer limit of judicial review. Whether the President's designation best fulfilled the general congressional intention embodied in the Antiquities Act is not a matter for judicial inquiry. This Court declines plaintiffs' invitation to substitute its judgment for that of the President, particularly in an arena in which the congressional intent most clearly manifest is an intention to delegate decision-making to the sound discretion of the President.<sup>8</sup>

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<sup>8</sup>Plaintiffs devote considerable space in their Memorandum in Support of their Motion for Summary Judgment to a discussion of congressional intent and the evidence for it. According to plaintiffs, the legislative history surrounding the passage of the Antiquities Act demonstrates that Congress intended the Act be used to protect man-made objects only, and was not intended to be available as a means for furthering presidential environmental agendas. (Plaintiffs' Combined Memo at 17 *et seq.*) Excerpts from floor debates before the Act's passage are also enlisted to prove that the Act was only intended to allow the President to withdraw very small plots of land to protect the man-made artifacts suitable for designation. *Id.* at 18. This discussion, while no doubt of interest to the historian, is irrelevant to the legal questions before the Court, since the plain language of the Antiquities Act empowers the President to set aside "objects of historic or scientific interest." 16 U.S.C. § 431. The Act does not require that the objects so designated be made by man, and its strictures concerning the size of the area set aside are satisfied when the President declares that he has designated the smallest area compatible with the designated objects' protection. There is no occasion for this Court to determine whether the plaintiffs' interpretation of the congressional debates they quote is correct, since a court generally has recourse to congressional intent in the interpretation of a statute only when the language of a statute is ambiguous. See *Ardestani v. Immigration and Naturalization Service*, 502 U.S. 129,

Even if broad judicial review of the exercise of the President's discretion is not available, plaintiffs still contend that the procedure which led to the designation fell so far afoul of the requirements of the National Environmental Policy Act (NEPA) as to warrant strip-mining the Monument. Plaintiffs contend that defendants conspired to violate the requirements of NEPA by (nefariously) creating a deceptive paper trail suggesting that it was the President, rather than the DOI, who provided the impetus to create the Grand Staircase Monument. In plaintiffs' formulation of the law, the *sine qua non* of a valid exercise of the President's discretion under the Antiquities Act is that the President proposed the idea to the DOI; the source of the inspiration

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135 (1991) ("The 'strong presumption' that the plain language of the statute expresses congressional intent is rebutted only in 'rare and exceptional circumstances,' when a contrary legislative intent is clearly expressed") (citations omitted).

In addition to the plain language of the statute, there is plain language on which this Court may rely in several United States Supreme Court decisions upholding particular designations of natural objects as national monuments under the Antiquities Act. In *Cameron v. United States* the Court quoted from the proclamation in which President Theodore Roosevelt designated the Grand Canyon: "The Grand Canyon, as stated in the Proclamation, 'is an object of unusual scientific interest.'" 252 U.S. 450, 455 (1920). Far from indicating that only man-made objects are suitable for designation, *Cameron* notes approvingly that the Canyon "affords an unexampled field for geologic study [and] is regarded as one of the great natural wonders." *Id.* at 456. The Court in *Cappaert v. United States* explicitly rejected the argument offered by the Plaintiffs before this Court: "Petitioners . . . argue . . . [that] the President may reserve federal lands only to protect archeologic sites. However, the language of the Act which authorizes the President to [designate] national monuments . . . is not so limited. 426 U.S. 128, 142 (1976). In *Cappaert* the Court upheld a designation of a pool inhabited by "a peculiar race of desert fish . . . found nowhere else in the world." *Id.* at 133. The Court has also upheld a designation of islands notable for "fossils . . . and . . . noteworthy examples of ancient volcanism, deposition, and active sea erosion," rather than for human artifacts. *United States v. California* 436 U.S. 32, 34 (1978).

*United States v. California* addresses not only the President's discretion to designate natural objects but the geographic scope of that discretion as well. Determining whether a designation had reserved only protruding rocks and islets or submerged lands and waters adjacent to them as well is "a question only of Presidential intent, not of Presidential power." *Id.* at 36. In light of this unambiguous United States Supreme Court precedent concerning the Antiquities Act, plaintiffs' reliance on legislative history is clearly misplaced, and their arguments regarding the objects and area of designation untenable.

for the monument determines whether NEPA and the Administrative Procedures Act (APA) are invoked:

Although Defendant Gale Norton and the Department of the Interior are required to implement NEPA, defendants correctly assert that presidential actions under the Antiquities Act are not subject to the requirements of NEPA. It is for this reason that it was essential to Defendants to make it appear that the request for consideration of a national monument in Utah came from the President rather than originating, as it did, within the agencies.

(Plaintiffs' Combined Memo ISO Summary Judgment and Opp. Defendants' Motions to Dismiss or for Summary Judgment) (internal citations omitted). If plaintiffs' theory were correct, its evidence that the idea for the Grand Staircase Monument did not originate with the President would be relevant and perhaps sufficient to defeat a motion for summary judgment. Plaintiffs' brief is innocent of any legal authority, however, that would connect the premises that the DOI's final actions are subject to NEPA while the President's actions under the Antiquities Act are not, with the conclusion that it is essential for the idea of a monument to have come from the President. Plaintiffs and defendants are correct that the requirements of NEPA do not apply to the exercise of presidential discretion under the Antiquities Act. To the extent that DOI takes action that could be characterized as final agency action for the purposes of the APA, Plaintiffs are also correct that the requirements of NEPA apply to DOI actions. However, plaintiffs do not cite any legal authority, nor is the Court aware of any, which suggests that these considerations affect the exercise of presidential authority pursuant to the Antiquities Act.<sup>9</sup> Plaintiffs err in

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<sup>9</sup>Plaintiffs' best and only case for the requirement that the idea for a monument originate with the President rather than the DOI is a series of emails and letters generated by personnel within the DOI and the CEQ. (Combined Memo ISO Plaintiffs' Motion for Summary Judgment and Opposition to Defendants' Motions to Dismiss or for Summary Judgment at 37 *et seq.*) At best, Plaintiffs have demonstrated that employees within these agencies believed that the idea for the Monument should appear to originate with the President. The machinations of a few agency

importing a requirement of presidential inspiration into the Antiquities Act's grant of authority to the President.

Since the Antiquities Act is silent as to whether there are limitations on the sources from which the President may draw the inspiration to act, if such a limitation exists it must be found in other statutory provisions, the Constitution, or in the common law. Although Plaintiffs have directed the Court to no statutory authority to suggest that NEPA has any application to the President's actions in this case, it is reasonable to look to NEPA for the source of the requirements for which plaintiffs contend. NEPA cannot be the end of the inquiry, however, for NEPA supplies no private right of action. *See Lujan v. National Wildlife Federation*, 497 U.S. 871 (1990). If an agency to which NEPA applies has violated its requirements, an aggrieved party must bring its complaint within the mechanism supplied by the APA. The APA permits judicial review of "final agency action for which there is no other adequate remedy in a court." 5 U.S.C. § 704. In order for a violation of NEPA to be redressable at law, therefore, the violation of which a plaintiff complains must form an element of a final agency action subject to judicial review under the APA.

While the United States Supreme Court has not ruled on the precise question whether an agency's recommendation to the President that he designate a particular monument under the Antiquities Act constitutes final agency action subject to judicial review under the APA, there is good law suggesting the contrary. In order for an agency's action to have that degree of finality

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employees, and the motivations that animated them, however, cannot take the place of some legal authority supporting the plaintiffs' proposition that the President cannot validly exercise his authority under the Antiquities Act unless the idea for a particular monument originates with him.

that is amenable to judicial review under the APA, it must have some immediate effect beyond that of a recommendation: the action is final agency action only when the agency's action itself "has a direct effect on the day-to-day business" of the persons or entities affected by the action. *Abbott Laboratories v. Gardner*, 387 U.S. 136, 152 (1967).

That an agency is incapable of taking "final agency action" in a particular set of circumstances can serve to insulate the agency's preliminary actions (resulting in final *presidential* action) from judicial review under the APA. The United States Supreme Court, in *Franklin v. Massachusetts*, analyzed the President's role in communicating the results of the census to Congress for the purpose of reapportioning seats in the House of Representatives. 505 U.S. 788 (1992). The statutory scheme at issue required the Secretary of Commerce to communicate the results of the census to the President, who then transmitted those results to Congress. 2 U.S.C. §§ 2a(a); 141(b). The fact that the statute *requires* the President to perform only ministerial functions, such as making apportionment calculations according to set formulae, does not transform the Secretary's action in carrying out the census into final agency action for the purposes of review under the APA. Because the statute did not require the President to use the data from the Secretary's report, and because the President is not precluded from directing the Secretary to amend or correct the report, it is the President's actions, and not those of the Secretary, that effect changes to apportionment. *Franklin*, 505 U.S. at 797-9.

Central to the determination whether there exists final agency action subject to review under the APA is the question "whether the agency has completed its decisionmaking process, and whether the result of that process is one that will directly affect the parties." *Id.* at 797. When the statute does not permit the agency to act alone, but rather requires presidential action

before there is any direct effect on the parties, “there is no determinate agency action to challenge” until the President acts. *Id.* at 799. Even when the presidential action authorized by statute permits the exercise of only limited discretion, and the President will almost certainly rely quite heavily on agency recommendations, the fact that presidential action is required before there will be any effect eliminates the prospect of judicial review under the APA.<sup>10</sup>

Flaws in an agency process leading to a recommendation to the President, that in turn leads to presidential action, do not convert the action of the agency, or that of the President, into action subject to judicial review under the APA. In *Dalton v. Specter* the United States Supreme Court reiterated the rule that a process leading to a recommendation, which the President could then choose to accept or reject, even if flawed, did not permit of judicial review pursuant to the APA, since the recommendation did not constitute final agency action. 511 U.S. 462, 469-70 (“The action that ‘will directly affect’ the military bases is taken by the President ... Accordingly, the Secretary’s and Commission’s reports serve ‘more like a tentative recommendation than a final and binding determination ... The reports are, ‘like the ruling of a subordinate official, not final and therefore not subject to review’” (citations omitted).

That an agency’s process may have been flawed is not only irrelevant for purposes of review under the APA, it is also powerless to transform a presidential action based on a flawed agency recommendation into a violation of a statute conferring presidential discretion. The Court

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<sup>10</sup>The Supreme Court summarily dismisses the possibility that the President is an agency within the meaning of the APA. Although the definition of agency in the APA does not explicitly exclude the President, “textual silence is not enough to subject the President to the provisions of the APA. We would require an express statement by Congress before assuming it intended the President’s performance of his statutory duties to be reviewed for abuse of discretion.” *Franklin*, 505 U.S. at 800-801.

in *Dalton* conceded, *arguendo*, the proposition that judicial review might be available outside the APA for some claims that a President exceeded the authority given by some statutes, but “longstanding authority holds that such review is not available when the statute in question commits the decision to the discretion of the President.” 511 U.S. 462, 474. While recognizing that some agency processes leading to presidential action are insulated from judicial review by the combination of an absence of final agency action and a grant of discretion to the President, the Court observed that it best fulfills its own constitutional mandate by “withholding judicial relief where Congress has permissibly foreclosed it.” *Id.* at 477. Confronted by a statute expressly conferring discretion on the President to make precisely the sort of decision he made in designating the Grand Staircase Monument, this Court must conclude that “[h]ow the President chooses to exercise the discretion Congress has granted him is not a matter for [judicial] review.” *Id.* at 476.

Assuming that plaintiffs are correct, that the original idea for the Monument was entirely the creature of the DOI, the actions of the DOI had no direct and immediate impact on the plaintiffs. It was the President’s action, and not the action of the DOI, that had the legal effect of creating the Monument, and the DOI’s activities therefore do not constitute final agency action reviewable under the APA.

## **2. CONSTITUTIONAL CLAIMS**

In contrast to the limited judicial review discussed above, judicial review to determine the constitutionality of a President’s acts may be appropriate. See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803); *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 414 (1944); *Franklin v. Massachusetts*, 505 U.S. at 801 (“As the APA does not expressly allow review of the President’s

actions, we must presume that his actions are not subject to its requirements. Although the President's actions may still be reviewed for constitutionality"). Plaintiffs raise three constitutional claims in this case. First, they assert that the Antiquities Act itself is unconstitutional in violation of the delegation doctrine. In addition they claim that even if the Antiquities Act is constitutional the manner in which it was utilized in creating the Grand Staircase Monument violated the Property Clause and the Spending Clause.

#### A. Delegation Doctrine and Property Clause

Plaintiffs contend that Congress violated both the delegation doctrine (or perhaps more accurately, the non-delegation doctrine) and the Property Clause by giving the President, under the Antiquities Act, virtually unfettered discretion to regulate and make rules concerning federal property. Neither contention has merit. While it is true that Congress has the express authority under the Constitution's Property Clause to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States," it is equally true that Congress may delegate this authority as it deems appropriate. *Yakus v. United States*, 321 U.S. 414 (1944), and any delegation is constitutionally permissible if Congress provides "standards to guide the authorized action such that one reviewing the action could recognize whether the will of Congress has been obeyed." See *Id* at 425-26.<sup>11</sup>

The Antiquities Act sets forth clear standards and limitations. The Act describes the types of objects that can be included in national monuments and a limitation on the size of

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<sup>11</sup> The Courts have upheld virtually every congressional delegation of authority made by Congress for the last 100 years. In fact, there have only been two occasions in the 20<sup>th</sup> and 21<sup>st</sup> centuries where congressional delegations of authority were deemed unconstitutional. See *A.L.A. Schechter Poultry Corporation v. U.S.*, 55 S.Ct. 837 (1935); *Panama Refining Co. v. Ryan*, 55 S.Ct. 241 (1935).

monuments. See 16 U.S.C. § 431. Although the standards are general, "Congress does not violate the Constitution merely because it legislates in broad terms, leaving a certain degree of discretion to executive or judicial actors." *Touby v. United States*, 500 U.S. 160, 165 (1991). Accordingly, the non-delegation doctrine is not violated, nor is the Property Clause, which has repeatedly been construed as allowing Congress to delegate its authority to the executive and judicial branches, including the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." U.S. Const. Art. IV, § 3, cl. 2. See also *Tulare County v. Bush*, 306 F.3d 1138 (D.C.Cir. 2002); *Mountain States Legal Foundation v. Bush*, 306 F.3d 1132 (D.C.Cir.2002); *U.S. v. Garfield County*, 122 F.Supp.2d 1201 (D.Utah, 2000).

#### **B. Spending Clause**

Plaintiffs contend that the Grand Staircase Monument included privately owned land, the acquisition of which required the expenditure of federal monies. This claim is without merit. The Antiquities Act requires the President to reserve objects of historic or scientific interest that are situated upon lands owned or controlled by the government of the United States. 16 U.S.C. § 431. The President's Proclamation creating the Grand Staircase Monument clearly distinguishes between land owned or controlled by the Government of the United States and land privately owned or controlled. The Proclamation points out that in creating the Grand Staircase Monument the President solely withdrew lands owned or controlled by the United States Government. (Proclamation, A75) With respect to privately owned or controlled lands the Proclamation provides that "Lands and interests in lands not owned by the United States shall be

reserved as a part of the monument upon acquisition of title thereto by the United States.” (Proclamation, A75). The Proclamation clearly indicates that land privately owned or controlled does not pertain to the Monument, but also designates that such private land may become part of the Monument if it is acquired by future action. Nothing in the Proclamation or in the record supports plaintiffs’ contention that federal monies were expended to acquire private land. Furthermore, plaintiffs have failed to allege any facts supporting their contention. The Court finds no violation of the Spending Clause.

### **3. STATUTORY CLAIMS:**

#### **A. Wilderness Act**

The land within the Grand Staircase Monument amounts to approximately 1.7 million acres. This land, withdrawn by President Clinton, constitutes what he believed to be the requisite amount of land necessary to preserve the designated scientific and historic objects. The withdrawal, according to plaintiffs, constitutes a violation of the Wilderness Act because the President created *de facto* wilderness, which is a power reserved solely to Congress. Plaintiffs’ arguments are without merit, finding no support in the language of either the Wilderness Act or the Antiquities Act, or in the case law. In fact, recent case law is to the contrary; in *MSLF v. Bush*, 306 F.3d 1132 (D.C. Cir.2002), the D.C. Circuit Court of Appeals rejected this same argument.

It is undisputed that the President’s designation of the Grand Staircase Monument was made pursuant to his authority under the Antiquities Act. All of the land found within the boundaries of the Monument is part of the Monument, regardless whether it could also qualify as wilderness. Though the Antiquities Act and the Wilderness Act may provide overlapping

sources of protection to land that fits within the parameters of both acts, it is beyond dispute that the land reserved within the Grand Staircase Monument is not wilderness and has never been declared to be wilderness pursuant to the Wilderness Act. The fact that some of the acreage within the boundaries of the Grand Staircase Monument is classified as Wilderness Study Areas does not preclude its inclusion in a national monument.

Statutory overlap is not unusual. Numerous statutes provide environmental protection to public land and it is not surprising that some of them overlap. In *MSLF v. Bush*, the D.C. Circuit Court of Appeals recognized several examples of this, observing that in addition to their other purposes, the Wilderness Act, 16 U.S.C. §§ 1131-36 (2000), the Park Service Organic Act, 16 U.S.C. §§ 1-4 (2000), the National Forest Management Act of 1976, Pub.L. No. 94-588, 90 Stat. 2949 (codified as amended in scattered sections of 16 U.S.C.) (2000), FLPMA, 43 U.S.C. § 1701, and the Multiple Use Sustained Yield Act, 16 U.S.C. §§ 528-29, 531 (2000), all protect scenic values, natural wonders, and wilderness values. See *Bush*, 306 F.3d at 1138. If overlapping sources of protection were not allowed, the Park Service Organic Act would be a repeat offender, as it protects not only wilderness simultaneously with the Wilderness Act, but it also protects endangered species in a manner similar to the Endangered Species Act. As the D.C. Circuit stated, “MSLF misconceives federal laws as not providing overlapping sources of protection.” *Id.* at 1138.

Plaintiffs’ argument would prevent a President of the United States from including within a national monument not only lands already declared by Congress as “wilderness,” a contention which is itself dubious, but also all lands that have previously been classified as Wilderness Study Areas and included in unsuccessful wilderness proposals of some members of the public

and some members of Congress. Plaintiffs' contention is contrary to the purpose of the Antiquities Act, which is to identify and protect important scientific and historic objects and to set aside the necessary surrounding land to insure their continued protection. If plaintiffs' position were sound, a President would be prohibited from including within a national monument any land with the possibility of being declared wilderness, even though such land qualifies as 1) an object of historic or scientific value, or 2) land that must be set aside in order to protect designated objects. Such an outcome would effectively repeal the Antiquities Act in these circumstances, and no such intent to repeal was expressed implicitly or explicitly by Congress in the Wilderness Act. Furthermore, if the land deemed necessary to be included within a national monument includes wilderness areas or Wilderness Study Areas, it appears likely that such lands would continue in their existing state with the attendant restrictions on use. Any other result would be in violation of the Wilderness Act; but nothing in either the Wilderness Act or the Antiquities Act prevents such lands from being part of a national monument.

An underlying theme of plaintiffs' position is a belief that President Clinton and those of his political persuasion were able to (improperly) accomplish through the Antiquities Act what they had been unsuccessful in accomplishing through the Wilderness Act. The proponents of wilderness designation for approximately 900,000 acres of the federal land that ended up within the Grand Staircase Monument had earlier failed to persuade Congress to designate the land as wilderness. Thereafter, however, according to plaintiffs, they achieved most, if not all, of the protection they were seeking for this land when the President included the acreage within the Grand Staircase Monument. Plaintiffs feel this second, successful, effort at protecting the land was unlawful. But they can point to no law that was broken in creating the Grand Staircase

Monument. The President unquestionably had the authority to do what he did under the Antiquities Act.

After briefing was closed in this case, the United States District Court for the District of Wyoming decided *Wyoming v. U.S. Dept. of Agri., et al.*, 277 F.Supp.2d 1197 (D.Wyo.2003). Plaintiffs urge this Court to follow the reasoning in that case in which the Department of Agriculture's Roadless Rule was found to be in violation of the Wilderness Act. That case and the instant case, however, have one critical difference that makes the *Wyoming* case inapplicable here. *Wyoming* concerned a rule promulgated solely within and pursuant to the authority of an executive branch department, whereas this case concerns not the rule-making authority of a lower-level department, but of the President himself as specifically designated by an act of Congress. This distinction is critical.

The *Wyoming* case addressed the actions of the U.S. Forest Service and the Clinton Administration which culminated in the so-called "Roadless Rule" being entered as a Record of Decision by the Secretary of Agriculture on January 5, 2001. The Roadless Rule was put on a very fast track, beginning with a directive from President Clinton to the U.S. Forest Service on October 13, 1999, and ending with a fully completed (and NEPA mandated) agency review process only 15 months later. The Roadless Rule specifically prohibited road construction and other uses in inventoried roadless areas of the National Forest System, and by so doing created 58.5 million acres of what the district court referred to as *de facto* wilderness because the protection and treatment of the subject acreage was virtually indistinguishable from wilderness. In addition to finding that the hurried-up process violated NEPA, the district court found that the Roadless Rule violated the Wilderness Act. Central to this latter finding were two main points.

First, as stated above, the Court recognized that the land in question was *de facto* wilderness because a) the land was the same as wilderness in its definition (i.e. “roadless area” is virtually synonymous with “wilderness area”); b) the land had the same use restrictions as wilderness; and c) the land was virtually identical to the land recommended (unsuccessfully) as wilderness by the 1977 RARE II inventory. Second, the district court recognized that one of the primary objectives of the 1964 Wilderness Act was to end the then-existing practice of executive branch agencies, including notably the Forest Service, designating wilderness areas in their sole discretion and as they saw fit, with no direct authority from Congress. As the district court stated:

To this end, the Wilderness Act removed the Secretary of Agriculture's and the Forest Service's discretion to establish *de facto* administrative wilderness areas, a practice the executive branch had engaged in for over forty years. Instead, the Wilderness Act places the ultimate responsibility for wilderness designation on Congress. In this regard, the Wilderness Act functions as a “proceed slowly order” until Congress—through the democratic process rather than by administrative fiat—can strike the proper balance between multiple uses and preservation. (citations omitted). *Id* at 1233.

The *Wyoming* court concluded its review of the Wilderness Act by stating “[t]his statutory framework necessarily acts as a limitation on *agency* action.” *Id* at 1233. Notably, the district court did not say “a limitation on *Presidential* action,” and certainly nothing in the *Wyoming* opinion suggests the court would have employed the same reasoning to the creation by the President of a national monument under the Antiquities Act.

If the instant case involved actions by the Secretary of the Interior, or the BLM, to use departmental or agency rule-making authority to protect federal lands that had previously failed to achieve wilderness status after having been identified as candidates for such status, and if the protection was virtually identical to the protection afforded wilderness, the outcome here might

be the same as in *Wyoming*. But those are not the facts of this case and that is not the issue before this Court. Here the Court is faced with an entirely different question involving presidential action performed precisely as granted and directed by Congress.

#### B. NEPA, FLPMA, FACA and the Anti-Deficiency Act

When bringing a lawsuit for violation of statutory law parties must either find language in the statute itself which allows a private right of action, or demonstrate the occurrence of final agency action, which invokes the Court's authority to review the claim under the Administrative Procedure Act. If parties fail to meet these requirements they are precluded from challenging the alleged statutory violation. Plaintiffs allege that in his designation of the Grand Staircase Monument the President and the other defendants violated NEPA, FLPMA, FACA and the Anti-Deficiency Act. These statutes, however, provide no private right of action to an aggrieved party. See *Lujan*, 497 U.S. 871 (1990) (no private right of action available under NEPA and FLPMA); *Judicial Watch, Inc. v. National Energy Policy Development Group*, 219 F.Supp.2d 20, (D.D.C., July 2002); (Federal Advisory Committee Act creates no private right of action); *Cessna Aircraft Co. v. Dalton*, 126 F.3d 1442 (Fed.Cir.1997) (no private right of action available under the Anti-Deficiency Act).

Because none of these statutes provide private rights of action the plaintiffs are left with the insurmountable task in this case of demonstrating final agency action to invoke review under the APA. As stated previously in this Opinion the Supreme Court of the United States has declared that the President is not an agency and cannot be defined as such under the APA. See *Franklin v. Massachusetts*, 505 U.S. 788 (1992); *Dalton v. Specter*, 511 U.S. 462 (1994); *Armstrong v. Bush*, 924 F.2d 282, 288 (D.C.Cir.1991). It follows that actions taken by the

President pursuant to congressionally delegated authority cannot be considered final agency action.

Also as discussed previously in this Opinion, (see pp. 23-28), plaintiffs' contention that the defendant lower-level executive branch officials' recommendations to the President constituted final agency action is also without merit. Recommendations and actions taken by the lower-level executive branch officials encouraging designation of the Grand Staircase Monument constituted nothing more than recommendations and assistance to the President and failed to meet the legal requirements for final agency action. See generally *Franklin*, 505 U.S. at 800. All decisions and actions constituting final action were made by the President in his official capacity. The ultimate decision to create the Grand Staircase Monument rested with, belonged to, and was made by, President Clinton.

#### C. Executive Order 10355

UAC next argues that the President's designation of the Grand Staircase Monument was invalid because it violated Executive Order 10355 (E.O. 10355). E.O. 10355 was issued by President Harry S. Truman in 1952. It delegated to the Secretary of the Interior "the authority vested in the President by section 1 of the act of June 25, 1910 [the Pickett Act], and the authority otherwise vested in him to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States . . . for public purposes."<sup>17</sup> Fed. Reg. 4831 (May 26, 1952). The Secretary of the Interior was also authorized to "modify or revoke withdrawals and reservations of such lands hertofore or hereafter made." *Id.* The Order further directed that "[a]ll orders issued by the Secretary of the Interior under the authority of this order shall be designated as public land orders and shall be submitted to the Division of the Federal Register....

for filing and for publication in the FEDERAL REGISTER.” *Id.*

President Truman issued E.O. 10355 by virtue of section 301 of title 3 of the United States Code,<sup>12</sup> which states that the President may delegate “any function which is vested in the President by law” to an agency or department head. It also states “that nothing contained herein shall relieve the President of his responsibility in office for the acts of any such head or other official designated by him to perform such functions.” 3 U.S.C. § 301. The President must publish such authorization in the Federal Register, but he may place terms, conditions, and limitations on the use of the delegated authority, and he may revoke the delegation “in whole or in part” at any time. *Id.*

Plaintiffs contend that the phrase “authority otherwise vested in him” in E.O. 10355 include the authority to withdraw lands under the Antiquities Act and transfers the President’s authority under that Act exclusively to the Secretary of the Interior. For this argument to prevail, several prerequisites must have been fulfilled: 1) E.O. 10355 must have contemplated the transfer of the President’s authority under the Antiquities Act, 2) the transfer must have been valid, that is, the underlying statute must allow such a transfer, 3) the transfer must have been complete, meaning that the President retained no authority under the Antiquities Act, and 4) E.O. 10355 must still be in force; i.e. it has not since been repealed or revoked. If any of these conditions has not been met, E.O. 10355 poses no restraint on the President’s authority to

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<sup>12</sup> 3 U.S.C. § 301 is a general authorization to delegate presidential functions. Both parties in this case seem to mistakenly believe that E.O. 10355 was issued pursuant to “statutory authority under the Pickett Act” and implied authority under the *Midwest Oil* doctrine. Although it delegated the withdrawal authority under the Pickett Act and the *Midwest Oil* doctrine, the authority to delegate those withdrawal powers came from 3 U.S.C. § 301, not from the withdrawal authority itself.

designate a national monument under the Antiquities Act.

#### **1. Delegation of Authority under the Antiquities Act**

It is questionable whether E.O. 10355 ever delegated the authority granted to the President under the Antiquities Act. Although the language of the Order is general, to construe the Order as granting every withdrawal authority possessed by the President would, in the Court's view, be an overly broad interpretation. E.O. 10355 specifically delegates to the Secretary of the Interior the President's authority under the Pickett Act as well as "the authority otherwise vested in [the President] to withdraw and reserve lands. . ." The broad, almost all-encompassing language of the Order presents an ambiguity and should be interpreted with reference to the entire Order. *See, In re Crowell*, 305 F.3d 474, 478 (6<sup>th</sup> Cir. 2002) (administrative orders delegating authority to agency officials warrant the use of rules of construction similar to those used in statutory interpretation); *U.S. v. Brown*, 348 F.3d 1200, 1209 (10<sup>th</sup> Cir. 2003) (to determine the meaning of ambiguous language in regulations, a court should look for clues elsewhere in those regulations); *citing, Oxy USA, Inc. v. Babbitt*, 268 F.3d 1001, 1005 (10<sup>th</sup> Cir. 2001) (similar rule for statutory construction).

The defendants argue that "the authority otherwise vested in him" refers to the authority granted to the President under the *Midwest Oil* doctrine,<sup>13</sup> which seems reasonable given that the authority under both the Pickett Act and the *Midwest Oil* doctrine are similar and related. This

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<sup>13</sup> The *Midwest Oil* doctrine stems from the Supreme Court case *United States v. Midwest Oil Co.*, 236 U.S. 459 (1915). In *Midwest Oil*, President Theodore Roosevelt issued a special Order in anticipation of the Pickett Act withdrawing all public lands which were being used for petroleum exploration. The Order was challenged, but was upheld by the Court. The Court recognized that the President was not acting in a novel manner, but rather was following a precedent that had been set many years before by his predecessors.

interpretation would also help explain why President Truman did not refer specifically to the Antiquities Act in delegating the President's withdraw authority, a practice to which he seemed accustomed. *See, e.g.*, Exec. Order No. 10250, 16 Fed. Reg. 5385 (June 5 1951), *reprinted as amended in* 3. U.S.C.A. § 301 at 849-51 (1997) (delegating functions to the Secretary of the Interior and specifying more than 15 statutes from which those functions were derived).

Moreover, courts will generally give substantial deference to the President's or the applicable department's interpretation and use of an executive order. *See e.g., Alaniz v. Office of Pers. Mgmt.*, 728 F.2d 1460, 1465 (Fed. Cir. 1984) ("it is recognized that an agency has presumed expertise in interpreting executive orders charged to its administration, and judicial review must accord great deference to the agency's interpretation"), *citing Udall v. Tallman*, 380 U.S. 1, 16-17, 85 S.Ct. 792, 801-2, 13 L.Ed.2d 616 (1965).<sup>14</sup> Since E.O. 10355 was issued, land

<sup>14</sup> *Udall* is particularly relevant to the present dispute. In *Udall*, the Supreme Court upheld the actions of the Secretary of Interior and deferred to the Secretary's interpretation of an executive order granting him authority to act. The Court's language is particularly helpful:

When faced with a problem of statutory construction, this Court shows great deference to the interpretation given the statute by the officers or agency charged with its administration. . . . When the construction of an administrative regulation rather than a statute is in issue, deference is even more clearly in order. . . . "It may be argued that while these facts and rulings prove a usage, they do not establish its validity. But government is a practical affair, intended for practical men. Both officers, lawmakers, and citizens naturally adjust themselves to any long continued action of the Executive Department, on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into a regular practice. That presumption is not reasoning in a circle, but the basis of a wise and quieting rule that, in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself,--even when the validity of the practice is the subject of investigation."

*Udall*, 380 U.S. at 16-17, 85 S.Ct. at 801-2, 13 L.Ed.2d 616, quoting *Midwest Oil*, 236 U.S. at 472-3, 35 S.Ct. at 319, 59 L.Ed. 673.

has been withdrawn on 20 different occasions to create national monuments.<sup>15</sup> Each of these monuments was designated by the President. No national monument has been designated by the Secretary of the Interior pursuant to E.O. 10355 since its enactment in 1952. Such action on the part of both the President and the Secretary of the Interior strongly indicates that neither interpreted E.O. 10355 to include the authority granted under the Antiquities Act. As a result, this Court will not imply such an interpretation.

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<sup>15</sup> Below is a list of national monuments designated pursuant to the Antiquities Act since E.O. 10355 was issued, along with the respective President who exercised the withdrawal authority.

Dwight D. Eisenhower  
7/14/56 Edison Laboratory, NJ  
1/18/61 Chesapeake and Ohio Canal, MD-WV

John F. Kennedy  
5/11/61 Russell Cave, AL  
12/28/61 Buck Island Reef, VI

Lyndon B. Johnson  
1/20/69 Marble Canyon, AZ

Jimmy Carter  
12/1/78 Admiralty Island, AK (Forest Service)  
12/1/78 Aniakchak, AK  
12/1/78 Becharof, AK  
12/1/78 Bering Land Bridge, AK  
12/1/78 Cape Krusenstern, AK  
12/1/78 Denali, AK  
12/1/78 Gates of the Arctic, AK  
12/1/78 Kenai Fjords, AK  
12/1/78 Kobuk Valley, AK  
12/1/78 Lake Clark, AK  
12/1/78 Misty Fjords, AK (Forest Service)  
12/1/78 Noatak, AK  
12/1/78 Wrangell-St. Elias, AK  
12/1/78 Yukon-Charley, AK  
12/1/78 Yukon Flats, AK

## 2. Validity of a delegation of Antiquities Act Authority

Even assuming that E.O. 10355 originally contemplated within its language delegating the authority to withdraw land for designating national monuments, “a President may only confer by Executive Order rights that Congress has authorized the President to confer.” *Karuk Tribe of California v. Ammon*, 209 F.3d 1366, 1375 (Fed. Cir. 2000). As the regulations implementing section 204 of FLPMA recognized, E.O. 10355 “conferr[ed] on the Secretary of the Interior all of the *delegable* authority of the President . . .” 43 C.F.R. § 2300.0-3(a)(2) (2004) (emphasis added).

Although 3 U.S.C. § 301 authorizes the President to delegate “any function which is vested in [him] by law” to a department or agency head in the executive branch, delegation of the authority to designate national monuments seems inconsistent with the Antiquities Act itself. The Antiquities Act provides that “[t]he President . . . is authorized, *in his discretion*, to [designate national monuments].” 16 U.S.C. § 431 (2000) (emphasis added). Because Congress only authorized the withdrawal of land for national monuments to be done in the President’s discretion, it follows that the President is the only individual who can exercise this authority because only the President can exercise his own discretion. Discretion is defined as “[a] public official’s power or right to act in certain circumstances according to personal judgment and conscience.” BLACK’S LAW DICTIONARY 479 (7<sup>th</sup> ed. 1999). It is illogical to believe that the President can delegate his personal judgment and conscience to another.

Moreover, E.O. 10355 authorizes the Secretary of the Interior to “redelegate the authority delegated to him by this order to . . . the Under Secretary of the Interior and [to] the Assistant Secretaries of the Interior.” If the Court were to accept UAC’s argument, the unfettered

discretion<sup>16</sup> of the President to withdraw public lands for national monuments could potentially be vested in several individuals. Such a result is untenable and clearly beyond what Congress intended when passing the Antiquities Act.

This Court is persuaded that the President, and only the President, may designate National monuments under the Antiquities Act regardless whether President Truman intended to delegate this authority by means of E.O. 10355. The Court finds support for its interpretation in *State of Alaska v. Carter*, 462 F.Supp. 1155, 1159 (D. Alaska 1978) (“The Antiquities Act authorizes the President ‘in his discretion’ to declare objects that have scientific interest, and are situated upon the public lands, to be national monuments. The Act authorizes only the President to declare these reservations and apparently this authority cannot be delegated.” (citations omitted)).

### 3. Complete delegation of authority

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<sup>16</sup> Although FLPMA imposes numerous requirements on the Secretary of the Interior when withdrawing land, the Antiquities Act was specifically exempted from the reach of FLPMA. In passing FLPMA, the House stated:

The main authority used by the Executive to make withdrawals is the 'implied' authority of the President recognized by the Supreme Court in U.S. v. Midwest Oil Co. (236 U.S. 459). The bill would repeal this authority and, with certain exceptions, all identified withdrawal authority granted to the President or the Secretary of the Interior. The exceptions, which are not repealed, are contained in the Antiquities Act (national monuments), Alaska Native Claims Settlement Act (native and public-interest withdrawals), the Defense Withdrawal Act of 1958, and Taylor Grazing Act (grazing districts).

H.R. Rep. No. 94-1163, 94<sup>th</sup> Cong., 2d Sess. 5 (1976), reprinted in 1976 U.S.C.C.A.N. 6175, 6203.

Therefore, when the President is creating national monuments pursuant to the Antiquities Act, his discretion would be unquestioned by Congress. If E.O. 10355 did indeed delegate to the Secretary of the Interior the President's Antiquities Act authority, it stands to reason that FLPMA would remain inapplicable to the actions of the Secretary if the Secretary designated a national monument.

UAC's reliance on E.O. 10355 also assumes that the delegation of authority was complete; that is, that the President relinquished all of his authority under the Antiquities Act to the Secretary of the Interior, forbidding any future action by the President himself pursuant to the Act. This interpretation is suspect where the language of E.O. 10355 does not specifically limit the President nor empower the Secretary of the Interior in such a manner. Additionally, history has shown that presidents after Harry S. Truman continued to designate national monuments using the authority granted by the Antiquities Act.

The Second Circuit faced a similar question in *Clarry v. United States*, 85 F.3d 1041 (2d Cir. 1996). In *Clarry*, former air traffic controllers had been indefinitely barred by President Reagan from employment with the Federal Aviation Administration (FAA) and private entities that contracted with the FAA because of their participation in a strike against the United States. The President ordered the indefinite bar notwithstanding the regulations promulgated by the Office of Personnel Management (OPM), which provided for only a three year ban. The regulations had been issued pursuant to authority delegated to the OPM by the President in two prior executive orders. The Second Circuit found that the President had not specifically delegated to the OPM his statutory authority "to prohibit the employment of individuals who have participated in a strike against the United States." *Id.* at 1048. Because there was no specific delegation, the executive orders did not constitute a complete delegation of the President's authority. Therefore, nothing prevented the President from implementing an indefinite employment bar pursuant to his statutory authority and notwithstanding regulations to the contrary. *Id.*

We are faced with a similar situation. UAC argues that the President may no longer use

the authority granted to him under the Antiquities Act because of E.O. 10355. However, there is nothing in the language of the Order to indicate that, even if the authority to designate national monuments was delegated to the Secretary of the Interior – which the Court does not find – there was a complete delegation of authority. Without a specific reference to the Antiquities Act, and some indication that the President no longer intended to designate national monuments, this Court cannot conclude that E.O. 10355 constituted a complete delegation of the President's authority. On the contrary, the fact that Presidents continued to exercise Antiquities Act authority indicates that, even if E.O. 10355 was a valid delegation of authority, the authority to withdraw national monuments remained concurrently with the President and did not solely reside with the Secretary of the Interior.

#### **4. Revocation of E.O. 10355**

In addition to the previous arguments, defendants contend that FLPMA implicitly repealed E.O. 10355, transferring all authority under the Antiquities Act, if it ever was delegated, back to the President. “The test used to determine whether a statute has been repealed is also used for an executive order. A repeal may be explicit or implicit, [and] [t]he ultimate question is whether repeal of the prior statute [or order] was intended.” *Mille Lac Band of Chippewa Indians v. State of Minn.*, 861 F.Supp 784, 829 (D. Minn. 1994) citing *Radzanower v. Touche Ross & Co.*, 426 U.S. 148, 153-54 (1976).

Any delegation of authority pursuant to 3 U.S.C. §301 is “revocable at any time by the President in whole or in part.” Because Presidents continued to withdraw public land for national monuments after E.O. 10355 was issued, the logical conclusion is that any delegation of authority under the Antiquities Act that E.O. 10355 may have made was implicitly revoked.

Such a revocation is well within the President's authority to partially revoke his own executive order.

Additionally, FLPMA and its attendant regulations also indicate that Congress intended to repeal any delegation authority to designate national monuments to the Secretary of the Interior. Through FLPMA, Congress specifically repealed the Pickett Act, the *Midwest Oil* doctrine and other Acts granting withdrawal authority to the President, thereby extinguishing Presidential authority to withdraw public lands in many circumstances. As a result, Congress also revoked any delegations of authority to other members of the Executive Branch related to the repeal of that authority. Notably, FLPMA specifically excludes the Antiquities Act from its reach and reaffirms the President's authority to designate national monuments. Even more, the regulations seem to indicate that, even if the Secretary of the Interior previously enjoyed authority to designate national monuments, that was no longer the case: "the Secretary of the Interior does not have authority to . . . [m]odify or revoke any withdrawal creating national monuments under the Act of June 8, 1906 (16 U.S.C. 431-433), sometimes referred to as the Antiquities Act." 43 C.F.R. § 2300.0-3(a)(1)(iii). Although the regulations go on to state that, by virtue of E.O. 10355, the Secretary still possesses all the delegable Presidential authority to "make, modify and revoke withdrawals and reservations with respect to lands of the public domain . . .," 43 C.F.R. § 2300.0-3(a)(2), it appears evident that Congress never considered authority under the Antiquities Act as "delegable" in the first place.

Therefore, any effect E.O. 10355 may have had on the President's authority to withdraw land for national monuments under the Antiquities Act has been repealed, both by Presidential action and Congressional legislation.

## 5. Private Right of Action to Enforce Executive Orders

Finally, even if this Court were to accept UAC's argument that because of E.O. 10355 the Secretary of the Interior is currently the only individual invested with authority to withdraw public land to create national monuments pursuant to the Antiquities Act, the Court questions whether UAC or a court can enforce E.O. 10355. It is well settled that “[g]enerally, there is no private right of action to enforce obligations imposed on executive branch officials by executive orders.” *Zhang v. Slattery*, 55 F.3d 732, 747 (2<sup>nd</sup> Cir. 1995) (quotations and citations omitted). Furthermore, “to assert a judicially enforceable private cause of action under an executive order, a plaintiff must show (1) that the President issued the order pursuant to a statutory mandate or delegation of authority from Congress, and (2) that the Order’s terms and purpose evidenced an intent [on the part of the President] to create a private right of action.” *Centolla v. Potter*, 183 F.Supp.2d 403, 413 (D. Mass. 2002), citing *Indep. Meat Packers Ass’n v. Butz*, 526 F.2d 228, 234-35 (8<sup>th</sup> Cir. 1975). E.O. 10355 fails on both counts to create a private right of action.

First, E.O. 10355 was not issued pursuant to a “statutory mandate” from Congress and therefore does not have the effect of law. Were this so, there would be some language in the Antiquities Act itself directing the President to delegate or otherwise employ the authority granted to him. There is no such mandate from Congress. Rather, President Truman resorted to 3 U.S.C. § 301 as authority for E.O. 10355, which grants broad delegation authority to the President. This authority seems managerial in nature, giving the President the ability to direct and delegate the affairs of the executive branch in a manner he deems best. Because this was an internal delegation in the executive branch, revokable at any time by the President, E.O. 10355 does not have the force or effect of law.

Second, there is nothing in E.O. 10355 itself indicating that President Truman intended to create a private right of action to enforce compliance with the order. In the absence of such an intent on the face of the order, this Court will not imply one.

UAC's argument that E.O. 10355 forbids the President from withdrawing public lands for national monuments fails on many levels, any one of which is sufficient for this Court to hold that E.O. 10355 did not prohibit the President from designating the Grand Staircase Monument under the Antiquities Act.

#### CONCLUSION

For the foregoing reasons, defendants' Motion to Dismiss and in the alternative for Summary Judgment is GRANTED; plaintiffs' Motions for Summary Judgment are DENIED in their entirety. IT IS SO ORDERED.

Dated this 19<sup>th</sup> day of April, 2004.

  
\_\_\_\_\_  
Dee Benson  
United States District Judge

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United States District Court  
for the  
District of Utah  
April 19, 2004

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

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a lot of you will want to be involved in that and to be heard as well.

Let us always remember, the Grand Staircase Escalante is for our children. For our children we have worked hard to make sure that we have a clean and safe environment, as the Vice President said. I appreciate what he said about the Yellowstone, the Mojave Desert, the Everglades, the work we have done all across this country to try to preserve our natural heritage and clean up our environment. I hope that we can once again pursue that as an American priority without regard to party or politics or election seasons. We all have the same stake in our common future.

If you'll permit me a personal note, another one, it was 63 years ago that a great Democrat first proposed that we create a national monument in Utah's Canyonlands. His name was Harold Ickes. He was Franklin Roosevelt's Interior Secretary. And I'm sorry he never got a chance to see that his dream would become a reality, but I'm very glad that his son and namesake is my Deputy Chief of Staff and is here today.

And it was 30 years before that, 93 years ago, that a great Republican President, Theodore Roosevelt, said we should make the Grand Canyon a national monument. In 1903, Teddy Roosevelt came to this place and said a few words from the rim of the Canyon I'd like to share with you as we close today:

"Leave the Grand Canyon as it is. You can not improve upon it. What you can do is keep it for your children, your children's children, all who come after you. We have gotten past the stage when we are pardoned if we treat any part of our country as something to be skinned for. The use of the present generation, whether it is the forest, the water, the scenery, whatever it is, handle it so that your children's children will get the benefit of it."

It was President Roosevelt's wisdom and vision that launched the Progressive Era and prepared our Nation for the 20th century. Today we must do the same for the 21st century. I have talked a lot about building a bridge of possibility to that 21st century, by meeting our challenges and protecting our values. Today the Grand Staircase Escalante

National Monument becomes a great pillar in our bridge to tomorrow.

Thank you, and God bless you all.

NOTE: The President spoke at 12:10 p.m. outside El Tovar Lodge. In his remarks, he referred to Rob Arnsberger, Superintendent, Grand Canyon National Park; Norma Matheson, widow of former Utah Gov. Scott Matheson; and Gov. Michael O. Leavitt of Utah.

### **Proclamation 6920—Establishment of the Grand Staircase-Escalante National Monument**

*September 18, 1996*

*By the President of the United States of America*

#### *A Proclamation*

The Grand Staircase Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument in

cludes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south to north ascending plateaus or benches, deeply cut by steep walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130 foot high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian Santonian ages. This se-

quence of rocks, including the overlaying Wahweap and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American culture. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole in the Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low lying desert to coniferous forest, with scarce and scattered water sources, the monument is an outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many an-

cient plant species for millennia. Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of pack rat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, his

historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

**Now, Therefore, I, William J. Clinton,** President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are here by set apart and reserved as the Grand Staircase Escalante National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the document entitled "Grand Staircase Escalante National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by appli

*Administration of William J. Clinton, 1996 / Sept. 18*

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cable laws and regulations other than this proclamation.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

**In Witness Whereof**, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred and ninety six, and of the Independence of the United States of America the two hundred and twenty first.

**William J. Clinton**

[Filed with the Office of the Federal Register, 12:27 p.m., September 23, 1996]

NOTE: This proclamation will be published in the *Federal Register* on September 24.

**Proclamation 6918—National POW/MIA Recognition Day, 1996**

*September 18, 1996*

*By the President of the United States  
of America*

***A Proclamation***

Since our country's birth, Americans have responded to military threats against liberty

and democracy, whether at home or in remote areas of the world. The young men and women of our Armed Forces understand the need to resist oppression, and they have willingly put themselves in harm's way around the globe to do so. Those young Americans who stand in the defense of freedom are our country's most precious natural resource.

It is particularly painful when these brave Americans are made Prisoners of War, or are classified as Missing in Action. They have earned our deep appreciation and respect for the great sacrifices they have made so that all of us can continue to enjoy the privileges of liberty. In keeping faith with them, we continue our concerted efforts to determine the fate of all those who are unaccounted for and to bring home the remains of those who have perished.

The grief for our prisoners of war and those missing in action is most intense, of course, among their families and loved ones at home, who wait often for years, and sometimes in vain for confirmation of their fate. These families display their own courage too, by their endurance in the face of deep anxiety. Their cause is our cause, and we pledge ourselves to them anew on this special day.

On September 20, 1996, the flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia, a black and white banner symbolizing all of America's missing, will be flown over the White House, the United States Capitol, the United States Departments of State, Defense, and Veterans Affairs, the Selective Service System headquarters, the Vietnam Veterans Memorial, the Korean War Veterans Memorial, and national cemeteries across the country.

**Now, Therefore, I, William J. Clinton,** President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 20, 1996, as National POW/MIA Recognition Day. I ask all Americans to join me in honoring former American POWs and those Americans still unaccounted for as a result of their service to our great Nation. I also encourage the American people to express their gratitude to the families of these missing Ameri-